CONFERENCE ON DISARMAMENT

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REPORT OF THE CONFERENCE ON DISARMAMENT TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS

		Paragraphs	Page
I.	INTRODUCTION	1	1
II.	ORGANIZATION OF WORK OF THE CONFERENCE	2 - 21	1
	A. 1990 Session of the Conference	2 - 4	1
	B. Participants in the work of the Conference	5	1
	C. Agenda for the 1990 Session and Programme of Work for the First and Second Parts of the Session	6 - 9	1
	D. Attendance and participation of States not Members of the Conference	10 - 11	6
	E. Expansion of the Membership of the Conference	12 - 15	7
	F. Improved and Effective Functioning of the Conference	16 - 18	8
	G. Measures relating to the Financial Situation of the United Nations	19 - 20	10
	H. Communications from Non-Governmental Organizations	21	10

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CONTENTS (continued)

	Paragraphs	Page
III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1990 SESSION	22 - 136	10
A. Nuclear Test Ban	26 - 29	13
B. Cessation of the Nuclear Arms Race and Nuclear Disarmament	30 - 96	24
C. Prevention of Nuclear War, including all Related Matters	97 - 112	48
D. Chemical Weapons	113 - 115	56
E. Prevention of an Arms Race in Outer Space	116 - 118	303
F. Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons	119 - 121	325
G. New Types of Weapons of Mass Destruction and New Systems of Such Weapons; Radiological Weapons	122 - 126	330
H. Comprehensive Programme of Disarmament	127 - 133	349
I. Consideration of other areas dealing with the Cessation of the Arms Race and Disarmament and other relevant measures	134	351
J. Consideration and Adoption of the Annual Report of the Conference and any other Report as appropriate to the General Assembly of the United Nations	135 - 136	351

I. INTRODUCTION

1. The Conference on Disarmament submits to the forty-fifth session of the United Nations General Assembly its annual report on its 1990 session, together with the pertinent documents and records.

II. ORGANIZATION OF WORK OF THE CONFERENCE

A. 1990 Session of the Conference

2. The Conference was in session from 6 February to 24 April and from 12 June to 24 August 1990. During this period, the Conference held 45 formal plenary meetings, at which member States as well as non-member States invited to participate in the discussions set forth their views and recommendations on the various questions before the Conference.

3. The Conference also held 23 informal meetings on its agenda, programme of work, organization and procedures, as well as on items of its agenda and other matters.

4. In accordance with rule 9 of the rules of procedure, the following member States assumed the Presidency of the Conference: Netherlands for February, Nigeria for March, Pakistan for April and the recess between the first and second parts of the 1990 session of the Conference, Peru for June, Poland for July and Romania for August and the recess until the 1991 session of the Conference.

B. Participants in the Work of the Conference

5. Representatives of the following member States participated in the work of the Conference: Algeria; Argentina; Australia; Belgium; Brazil; Bulgaria; Canada; China; Cuba; Czech and Slovak Federal Republic; Egypt; Ethiopia; France; German Democratic Republic; Germany, Federal Republic of; Hungary; India; Indonesia; Islamic Republic of Iran; Italy; Japan; Kenya; Mexico; Mongolia; Morocco; Myanmar; Netherlands; Nigeria; Pakistan; Peru; Poland; Romania; Sri Lanka; Sweden; Union of Soviet Socialist Republics; United Kingdom of Great Britain and Northern Ireland; United States of America; Venezuela; Yugoslavia and Zaire.

C. Agenda for the 1990 Session and Programme of Work for the First and Second Parts of the Session

6. At the 532nd plenary meeting on 6 February 1990, the President submitted a proposal on the provisional agenda for the 1990 session and the programme of work for the first part of the annual session in conformity with rule 29 of the rules of procedure. At the same plenary meeting, the Conference adopted the proposal of the President (CD/PV.532). The text of the agenda and programme of work (CD/963) reads as follows:

"The Conference on Disarmament, as the multilateral negotiating forum, shall promote the attainment of general and complete disarmament under effective international control.

"The Conference, taking into account, inter alia, the relevant provisions of the documents of the first and second special sessions of the General Assembly devoted to disarmament, will deal with the cessation of the arms race and disarmament and other relevant measures in the following areas:

I. Nuclear weapons in all aspects;

II. Chemical weapons;

III. Other weapons of mass destruction;

IV. Conventional weapons;

V. Reduction of military budgets;

VI. Reduction of armed forces;

VII. Disarmament and development;

VIII. Disarmament and international security;

IX. Collateral measures, confidence-building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties concerned;

X. Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

"Within the above framework, the Conference on Disarmament adopts the following agenda for 1990 which includes items that, in conformity with the provisions of section VIII of its rules of procedure, would be considered by it:

1. Nuclear-test ban.

2. Cessation of the nuclear-arms race and nuclear disarmament.

3. Prevention of nuclear war, including all related matters.

4. Chemical weapons.

5. Prevention of an arms race in outer space.

6. Effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons.

7. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

8. Comprehensive programme of disarmament.

9. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations.

Programme of Work

"In compliance with rule 28 of its Rules of Procedure, the Conference on Disarmament also adopts the following programme of work for the first part of its 1990 session:

6-16 February	Statements in plenary meetings. Consideration of the agenda and programme of work, as well as of the establishment of subsidiary bodies on items of the agenda and other organizational questions.
19 February-2 March	Nuclear-test ban. Cessation of the nuclear-arms race and nuclear disarmament.
5-9 March	Prevention of an arms race in outer space.
12-16 March	Prevention of nuclear war, including all related matters.
19-30 March	Chemical weapons.
2-6 April	Effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
9-13 April	Comprehensive programme of disarmament.
16-24 April	Further consideration of outstanding matters.

"The Conference will continue consideration of its improved and effective functioning and will report to the General Assembly of the United Nations on that subject.

"The Conference will further intensify its consultations in pursuance of paragraphs 14 and 15 of its report (CD/956) with a view to taking a positive decision at its 1990 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the forty-fifth session of the General Assembly of the United Nations.

"Meetings of the subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

"The *Ad hoc* Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 19 to 30 March 1990.

"In adopting its programme of work, the Conference has kept in mind the provisions of rules 30 and 31 of its rules of procedure."

7. At its 551st plenary meeting, the Conference decided to begin the second part of the 1990 session on 12 June 1990.

8. During the second part of the 1990 session, the Conference adopted at the 556th plenary meeting on 14 June 1990, a proposal of the President on the programme of work for that part of the annual session (CD/1003). At its 560th plenary meeting, the Conference also decided to close its 1990 session on 24 August. The programme of work thus reads as follows:

"Programme of Work for the Second Part of the 1990 Session of the Conference on Disarmament

"In compliance with rule 28 of the rules of procedure, the Conference on Disarmament adopts the following programme of work for the second part of its 1990 Session:

12-15 June	Statements in plenary meetings. Consideration of the programme of work, as well as of the establishment of subsidiary bodies on items on the agenda and other organizational questions.
18-29 June	Nuclear-test ban. Cessation of the nuclear arms race and nuclear disarmament.
2- 6 July	Prevention of an arms race in outer space.
9-13 July	Prevention of nuclear war, including all related matters.
16-27 July	Chemical weapons.

30 July-3 August	Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
6-10 August	Comprehensive programme of disarmament.
13-24 August	Reports of *ad hoc* subsidiary bodies, consideration and adoption of the Annual Report to the General Assembly of the United Nations.

"The Conference will continue consideration of its improved and effective functioning and will report to the General Assembly of the United Nations on that subject.

"The Conference will further intensify its consultations in pursuance of paragraphs 14 and 15 of its report (CD/956) with a view to taking a positive decision at its 1990 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the forty-fifth session of the General Assembly of the United Nations.

"Meetings of the subsidiary bodies will be convened after consultations between the President of the Conference and the Chairmen of the subsidiary bodies, according to the circumstances and needs of those bodies.

"The *Ad Hoc* Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 30 July to 10 August 1990.

"In adopting its programme of work, the Conference has kept in mind the provisions of rules 30 and 31 of its rules of procedure."

9. At its 532nd plenary meeting on 6 February 1990, the Conference decided to re-establish the *Ad Hoc* Committees on Effective International Arrangements to assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons (CD/964) and Radiological Weapons (CD/965). At its 535th plenary meeting on 15 February 1990, the Conference decided to re-establish the *Ad Hoc* Committee on Chemical Weapons (CD/968). At its 541st plenary meeting on 8 March 1990, the Conference decided to re-establish the *Ad Hoc* Committee on the Prevention of an Arms Race in Outer Space (CD/976). At its 565th plenary meeting on 17 July 1990, the Conference decided to re-establish the *Ad Hoc* Committee on a Nuclear Test Ban (CD/1016).

D. Attendance and Participation of States not members of the Conference

10. In conformity with rule 32 of the rules of procedure, the following States non-members of the Conference attended plenary meetings of the Conference: Austria, Bangladesh, Bahrain, Chile, Democratic People's Republic of Korea, Denmark, Finland, Holy See, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, New Zealand, Norway, Qatar, Republic of Korea, Spain, Switzerland, Turkey, Viet Nam and Zimbabwe.

11. The Conference received and considered requests for participation in its work from States not members of the Conference. In accordance with the rules of procedure, the Conference invited:

(a) the representatives of Austria, Finland, Greece, Malaysia, New Zealand, Norway, Syria, Spain, Switzerland, United Arab Emirates, Uruguay and Zimbabwe to participate during 1990 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons, Prevention of an Arms Race in Outer Space, Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons and Radiological Weapons;

(b) the representatives of Iraq, Portugal and Viet Nam to participate during 1990 in plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space, Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons and Radiological Weapons;

(c) the representatives of Denmark and Turkey to participate during 1990 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons, Prevention of an Arms Race in Outer Space and Radiological Weapons;

(d) the representative of Senegal to participate during 1990 in plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space and Radiological Weapons;

(e) the representative of Honduras to participate during 1990 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons and the Prevention of an Arms Race in Outer Space;

(f) the representative of Oman to participate during 1990 in plenary meetings and in the subsidiary bodies on a Nuclear Test Ban, Chemical Weapons and Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons;

(g) the representatives of Bahrain, Chile and Ireland to participate during 1990 in plenary meetings and in the subsidiary bodies on Chemical Weapons and the Prevention of an Arms Race in Outer Space;

(h) the representatives of Bangladesh, Cameroon, Democratic People's Republic of Korea, Republic of Korea and Tunisia to participate during 1990 in plenary meetings and in the subsidiary bodies on Chemical Weapons and Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons;

(i) the representatives of Israel, Kuwait and Qatar to participate during 1990 in plenary meetings and in the subsidiary bodies on Chemical Weapons and Radiological Weapons;

(j) the representatives of Ghana, Jordan, Holy See, Libya and Sudan to participate during 1990 in plenary meetings and in the subsidiary body on Chemical Weapons;

(k) the representatives of Austria, Bahrain, Finland, Ghana, Ireland, New Zealand, Norway, Portugal, Syria, Turkey and Zimbabwe to participate during 1990 in informal meetings on the substance of agenda items 2 "Cessation of the Nuclear Arms Race and Nuclear Disarmament" and 3 "Prevention of Nuclear War, including all Related Matters";

(l) the representative of Tunisia to participate during 1990 in the informal meetings on the substance of agenda item 2 "Cessation of the Nuclear Arms Race and Nuclear Disarmament".

E. Expansion of the membership of the Conference

12. The urgency attached to the question of the expansion of its membership is duly recognized by the Conference.

13. Requests for membership had been received from the following non-member States, in chronological order: Norway, Finland, Austria, Turkey, Senegal, Bangladesh, Spain, Viet Nam, Ireland, Tunisia, Ecuador, Cameroon, Greece, Zimbabwe, New Zealand and Chile.

14. During its 1990 session, the Presidents of the Conference conducted continuing consultations with the members, in accordance with established practice, on the selection of additional members. Members of the Conference also engaged in consultations on this important question. Those consultations were held in pursuance of paragraphs 14 and 15 of the report of the Conference to the forty-fourth session of the General Assembly (CD/956). In that connection, the Conference reaffirmed its decision that its membership might be increased by not more than four States and that candidates for membership should be nominated, two by the Group of 21, one by the Group of East European and other States and one by the Western Group so as to maintain balance in the membership of the Conference. The Group of East European and other States and the Western Group recalled that their candidates for membership were Viet Nam (CD/PV.345) and Norway (CD/PV.351) respectively. The Group of 21 noted that it would select its candidates when there is agreement on concrete ways and means for implementing the above-mentioned decision. The view was also

expressed that the expansion of the membership of the Conference should be examined with caution, as a new balance was developing in international relations.

15. The Conference will further intensify its consultations with a view to taking a positive decision at its next annual session and will inform accordingly the forty-sixth session of the General Assembly of the United Nations.

F. Improved and Effective Functioning of the Conference

16. At the 552nd plenary meeting of the Conference on 17 April 1990, it was decided that informal open-ended consultations would be held on its improved and effective functioning. Those consultations were conducted in a series of nine meetings, under the Chairmanship of Ambassador Ahmad Kamal of Pakistan. The Chairman submitted his report (CD/WP.395) to the Conference on such consultations. At its 575th plenary meeting on 21 August 1990, the Conference took note with appreciation of that report.

17. Having considered the report of the Chairman of the informal open-ended consultations, the Conference adopted the following decision (CD/1036) on the points on which immediate action was necessary:

"1. To amend rule 7 of the rules of procedure as follows:

> 'The Conference shall have an annual session divided into three parts of 10 weeks, 7 weeks, and 7 weeks, respectively. The first part shall begin the penultimate week of the month of January. The Conference shall decide the actual dates of the three parts of its annual session at the close of the previous year's session.'

"2. For the 1991 annual session, the opening plenaries of the three parts shall be held on 22 January, 14 May, and 23 July, respectively.

"3. To amend rule 9 of the rules of procedure as follows:

> 'When the Conference is in session, the Presidency of the Conference shall rotate among all its members; each President shall preside for a four-working-week period. The rotation which began in January 1979, based on the English alphabetic list of membership, shall be followed.'

"4. Beginning at the 1991 session, the Conference shall hold two plenary meetings a week, as at present, for the first two weeks (weeks 1 and 2) and the last week (week 10) of the first part of the annual session, the last week (week 17) of the second part of the annual session, and two middle weeks (weeks 21 and 22) of the third part of the annual session. For the remaining eighteen weeks of the annual session, only one plenary shall be scheduled every week, preferably on Thursdays. Flexible provisions shall however be made to allow for a second plenary in any one of these eighteen weeks.

"5. On the question of time limits for the establishment of subsidiary bodies and their mandates:

"(a) that the establishment of subsidiary bodies and their mandates is a deliberate act on which a decision has to be expressly taken by the Conference;

"(b) that the outgoing President for the last four weeks of the previous annual session and the incoming President for the first four weeks of the next annual session shall jointly conduct consultations during the inter-sessional months in order to try and see whether a consensus could emerge on the establishment of subsidiary bodies and their mandates;

"(c) that the principal debate on the establishment of subsidiary bodies and their mandates shall be held during the first two weeks of the annual session; and

"(d) that in case of an absence of consensus on the establishment of any particular subsidiary body or its mandate, the incumbent President shall in the subsequent two weeks try to identify a Special Co-ordinator to assist in carrying out informal consultations with a view to reaching consensus.

"6. The Secretariat shall simplify the programme of work so as to indicate greater flexibility in the range of subjects to which references would primarily be made in plenaries, along the following lines:

weeks 1-2 - adoption of the agenda, establishment of subsidiary bodies and their mandates, decision on participation of non-member States, and statements on all items;

weeks 3-4 - statements on all items, and informal presidential consultations on outstanding matters;

weeks 5-21 - statements on all items, and supervision of work in subsidiary bodies;

weeks 22-24 - final statements, and consideration and adoption of Report.

The Secretariat shall also indicate in the programme of work who would be the Presidents of the Conference, and for which weeks.

"7. To amend rule 28 of the rules of procedure as follows:

> 'On the basis of its agenda, the Conference, at the beginning of its annual session, shall establish its programme of work, which will include a schedule of its activities for that session, taking also into account the recommendations, proposals and decisions referred to in rule 27.'

"8. The Secretariat shall inform non-member States before the beginning of the annual session of the Conference's opening date, in order to enable interested States to formulate their requests in time for participation in the work of the Conference and its subsidiary bodies, preferably from the beginning of the annual session."

18. The Conference will continue its consideration of its improved and effective functioning at its next annual session.

G. Measures Relating to the Financial Situation of the United Nations

19. At the 532nd plenary meeting on 6 February 1990, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference made a statement noting the need to implement the target reduction of 30 per cent in services allocated to it. That reduction would apply to the number of weekly meetings. This would mean the allocation to the Conference of 10 meetings per week, with full servicing, and 15 meetings per week, also with full servicing, during the sessions of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events. The Secretary-General of the Conference also recalled the measures accepted by the Conference at the informal meeting held on 22 April 1986 concerning documentation.

20. At the same plenary meeting, the President of the Conference stated that the Conference agreed to the arrangements described by the Secretary-General.

H. Communications from Non-Governmental Organizations

21. In accordance with rule 42 of the rules of procedure, lists of all communications from non-governmental organizations and persons were circulated to the Conference (documents CD/NGC.21 and CD/NGC.22).

III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1990 SESSION

22. The substantive work of the Conference during its 1990 session was based on its agenda and programme of work. The list of documents issued by the Conference, as well as the texts of those documents, are included as appendix I to the report. An index of the verbatim records by country and subject, listing the statements made by delegations during 1990, and the verbatim records of the meetings of the Conference, are attached as appendix II to the report.

23. The Conference had before it a letter dated 26 January 1990 from the Secretary-General of the United Nations (CD/959) transmitting all the resolutions on disarmament adopted by the General Assembly at its forty-fourth session in 1989, including those entrusting specific responsibilities to the Conference on Disarmament:

44/105	"Cessation of all nuclear-test explosions"
44/107	"Urgent need for a comprehensive nuclear-test-ban treaty"
44/110	"Conclusion of effective international arrangements on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons"
44/111	"Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"
44/112	"Prevention of an arms race in outer space"
44/114 A	"Reduction of military budgets"
44/115 A	"Chemical and bacteriological (biological) weapons"
44/115 B	"Chemical and bacteriological (biological) weapons: measures to uphold the authority of the 1925 Geneva Protocol and to support the conclusion of a chemical weapons Convention"
44/116 A	"Prohibition of the development, production, stockpiling and use of radiological weapons"
44/116 H	"Prohibition of the production of fissionable material for weapons purposes"
44/116 O	"Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons"
44/116 R	"Prohibition of the dumping of radioactive wastes"
44/116 T	"Prohibition of the development, production, stockpiling and use of radiological weapons"
44/117 C	"Convention on the Prohibition of the Use of Nuclear Weapons"
44/119 A	"Comprehensive programme of disarmament"
44/119 B	"Non-use of nuclear weapons and prevention of nuclear war"

44/119 D "Report of the Conference on Disarmament"

44/119 E "Cessation of the nuclear-arms race and nuclear disarmament and "prevention of nuclear war"

24. At the 532nd plenary meeting of the Conference on 6 February 1990, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference, conveyed to the Conference a message from the Secretary-General of the United Nations at the opening of the 1990 session (CD/PV.532).

25. In addition to documents separately listed under specific items, the Conference received the following:

(a) Document CD/957, dated 30 November 1989, submitted by the delegation of Poland, entitled "Communiqué of the Meeting of the Committee of Ministers for Foreign Affairs of the States Parties to the Warsaw Treaty, held in Warsaw on 26 and 27 October 1989".

(b) Document CD/962, dated 1 February 1990, submitted by the delegation of Mexico, entitled "Message to the Conference on Disarmament of His Excellency Carlos Salinas de Gortari, President of Mexico, on the occasion of the opening of the 1990 session".

(c) Document CD/977, dated 12 March 1990, submitted by the delegation of The Democratic People's Republic of Korea, entitled "Statement of the Ministry of Foreign Affairs in connection with disarmament on the Korean peninsula, issued in Pyongyang on 5 March 1990".

(d) Document CD/986, dated 18 April 1990, submitted by the delegation of the Federal Republic of Czechoslovakia, entitled "Memorandum on the European Security Commission presented by the Minister of Foreign Affairs of the Federal Republic of Czechoslovakia 6 April 1990".

(e) Document CD/989, dated 20 April 1990, submitted by the delegation of Egypt, entitled "Letter addressed to the Secretary-General of the United Nations from Dr. Ahmed Esmat Abdel Meguid, Deputy Prime Minister and Minister of Foreign Affairs of Egypt, concerning the Establishment of a Zone free from Weapons of Mass Destruction in the Middle East and President Hosni Mubarak's statement in this regard".

(f) Document CD/1002, dated 14 June 1990, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Texts of a press release and a declaration adopted at the Meeting of the Political Consultative Committee of the States Parties to the Warsaw Treaty in Moscow on 7 June 1990".

(g) Document CD/1006, dated 20 June 1990, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled "Message from Turnberry, and Final Communiqué from the Ministerial Meeting of the North Atlantic Council at Turnberry, United Kingdom, on 7 and 8 June 1990".

(h) Document CD/1007, dated 25 June 1990, submitted by the delegation of the Democratic People's Republic of Korea, entitled "New disarmament proposal adopted at the Joint Meeting of the Central People's Committee, the Standing Committee of the Supreme People's Assembly and the Administration Council of the Democratic People's Republic of Korea held in Pyongyang on 31 May 1990".

(i) Document CD/1011, dated 9 July 1990, submitted by the delegations of Peru and Venezuela, entitled " 'Galapagos Declaration: Andean Agreement on Peace, Security and Co-operation' signed at Galapagos (Ecuador) on 18 December 1989 by the five Heads of State of the countries members of the Andean Group and the corresponding section of the 'Machu Picchu Act' (Cuzco, Peru) signed by the Leaders of the five countries on 23 May 1990".

(j) Document CD/1013, dated 13 July 1990, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled "Declaration on a transformed North Atlantic Alliance issued by the Heads of State and Government participating in the Meeting of the North Atlantic Council in London on 5-6 July 1990".

(k) Document CD/1023, dated 27 July 1990, submitted by the delegation of the Federal Republic of Germany, entitled "Results of the Inter-Parliamentary Conference on Disarmament (Bonn, 21 to 25 May 1990)".

A. Nuclear Test Ban

26. The item on the agenda entitled "Nuclear Test Ban" was considered by the Conference, in accordance with its programme of work, during the periods 19 February-2 March and 18-29 June 1990.

27. The Conference had before it the progress reports on the twenty-ninth and thirtieth sessions of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events, as contained in documents CD/981 and CD/1032. The Ad Hoc Group met from 19 to 29 March and from 30 July to 9 August 1990, under the Chairmanship of Dr. Ola Dahlman of Sweden. At its 551st and 575th plenary meetings on 12 April and 21 August 1990, the Conference adopted the recommendations contained in the progress reports. A number of delegations commented on the work of the Ad Hoc Group and advanced suggestions relating to its future work.

28. The list of new documents presented to the Conference under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

29. At its 576th plenary meeting on 24 August 1990, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 565th plenary meeting (see para. 9 above). That report (CD/1035) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 565th plenary meeting on 17 July 1990, the Conference on Disarmament adopted the following decision on the re-establishment of an ad hoc committee under item 1 of its agenda entitled "Nuclear Test Ban" (CD/1016):

> 'In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 1 of its agenda entitled "Nuclear Test Ban".
>
> 'The Conference requests the Ad Hoc Committee to initiate, as a first step towards achieving a nuclear test ban treaty, substantive work on specific and interrelated test ban issues, including structure and scope as well as verification and compliance.
>
> 'Pursuant to its mandate, the Ad Hoc Committee will take into account all existing proposals and future initiatives. In addition, it will draw on the knowledge and experience that have been accumulated over the years in the consideration of a comprehensive test ban in the successive multilateral negotiating bodies and the trilateral negotiations.
>
> 'The Conference also requests the Ad Hoc Committee to examine the institutional and administrative arrangements necessary for establishing, testing and operating an international seismic monitoring network as part of an effective verification system of a nuclear test ban treaty. The Ad Hoc Committee will also take into account the work of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events.
>
> 'The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1990 session.'

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At that same plenary meeting on 17 July 1990, the Conference on Disarmament appointed Ambassador Mitsuro Donowaki of Japan as Chairman of the Ad Hoc Committee. Mr. Michael Cassandra of the United Nations Department of Disarmament Affairs served as Secretary.

"3. Also at that same plenary meeting on 17 July 1990, a delegation of a nuclear weapon State confirmed its previously announced decision that it would refrain from participating in the work of the Ad Hoc Committee. A number of delegations regretted that decision and expressed the hope that it would be reconsidered at an early date.

"4. The Ad Hoc Committee held 6 meetings from 20 July to 17 August 1990. In addition, the Chairman conducted a number of informal consultations with delegations.

"5. At their request, the representatives of the following 16 States not Members of the Conference were invited to participate in the work of the Ad Hoc Committee: Austria, Denmark, Finland, Greece, Honduras, Malaysia, New Zealand, Norway, Oman, Spain, Switzerland, Syrian Arab Republic, Turkey, United Arab Emirates, Uruguay, Zimbabwe.

"6. The following official documents dealing with a nuclear test ban were presented to the Conference:

- CD/1010, dated 26 June 1990, submitted by the delegation of Norway, entitled 'Verification of a Comprehensive Nuclear Test Ban: Report on the Workshop on Seismological Aspects of Nuclear Test Ban Verification in Oslo, Norway, 14-17 February 1990.'
- CD/1016, dated 17 July 1990, entitled 'Mandate for an ad hoc committee under agenda item 1.'

"In addition, the following working papers were presented to the Ad Hoc Committee:

- CD/NTB/WP.10, dated 25 July 1990, entitled 'Message of the Minister for Foreign Affairs of Japan, H.E. Mr. Taro Nakayama, read out by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban at its first meeting on 20 July 1990'.
- CD/NTB/WP.11, dated 31 July 1990, entitled 'Statement by New Zealand Permanent Representative, Mr. T.J. Hannah, made at the meeting of the Ad Hoc Committee on a Nuclear Test Ban on 27 July 1990'.
- CD/NTB/WP.12, dated 2 August 1990, submitted by the delegation of the United Kingdom, entitled 'Seismic Monitoring for a Comprehensive Nuclear Test Ban' (re-submission of CD/610 of 9 July 1985).

"The following conference room papers were before the Ad Hoc Committee:

- CD/NTB/CRP.7, dated 20 July 1990, entitled 'Indicative Timetable of Meetings'.
- CD/NTB/CRP.8, dated 16 August 1990, and Rev.1, dated 17 August 1990, entitled 'Draft Report of the Ad Hoc Committee on a Nuclear Test Ban'.

"Furthermore, upon the request of the Ad Hoc Committee, the Secretariat updated a list of documents relating to a Nuclear Test Ban, submitted to the Conference of the Eighteen Nation Committee on Disarmament, the Conference of the Committee on Disarmament, the Committee on Disarmament, and the Conference on Disarmament (CD/NTB/INF.1/Add.1).

"III. SUBSTANTIVE WORK DURING THE 1990 SESSION

"7. At its first meeting on 20 July 1990, the Ad Hoc Committee took the following decisions with respect to its work for the short time at its disposal before the end of the 1990 session, namely:

"(i) that there should be no written programme of work for the 1990 session;

"(ii) that the Ad Hoc Committee conduct a general exchange of views based on its above mandate, specifically paragraphs 2, 3 and 4, as its de facto programme of work;

"(iii) that, in order to take into account the work of the Conference's Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events, officials of the Ad Hoc Group be invited to report to the Ad Hoc Committee;

"(iv) that the Chairman conduct informal consultations, parallel to the formal meetings of the Ad Hoc Committee, on a detailed programme of work to prepare the ground for future consideration of the item.

"8. The work of the Ad Hoc Committee took place in the light of the many views that had been expressed in plenary meetings of the Conference throughout the 1990 session as contained in its official records.

"9. A general exchange of views was held during the four meetings which the Ad Hoc Committee devoted to substantive work. All delegations welcomed the re-establishment of the Ad Hoc Committee as it offered a long awaited opportunity for a focused consideration of the issue. Though the Ad Hoc Committee had little time at its disposal, delegations felt that these preliminary deliberations could be useful in preparing the ground for further consideration of the issue. They also shared the wish that the positive changes in the international political environment may facilitate the Ad Hoc Committee's work on the agenda item.

"10. Members of the Group of 21 stressed again the urgent and crucial need for, and the high priority it has always attached, to putting an end to nuclear testing. They reiterated that a nuclear test ban would make a significant contribution to the aim of halting and reversing the nuclear arms race and nuclear disarmament. It again stressed that the Conference on Disarmament, as the single multilateral negotiating body on such issues, had the primary role in negotiations on a nuclear test ban. The Group pointed to the numerous documents adopted unanimously by the United Nations, including the Final Document of the first special session of the General Assembly devoted to disarmament. They also referred to the relevant part of the Declaration of the Heads of State or Government of the Non-Aligned Summit in Belgrade. They maintained that despite the recent upturn in the world political climate, there had been no let up in the qualitative improvement in nuclear weapons. The Group underlined the flexibility it had demonstrated over the years with respect to the re-establishment of the Ad Hoc Committee and considered it essential that the Ad Hoc Committee's setting up this year lead to concrete negotiations towards a comprehensive nuclear test ban treaty on an urgent basis. The Partial Test Ban Treaty of 1963 has prohibited nuclear weapon testing in the atmosphere, outer space and under water. The Group remained convinced that the available techniques of national and international verification were already sufficient to conclude a treaty on a nuclear test ban which should aim at the general and complete cessation of nuclear weapon tests by all States, in all environments, for all times. Thus it felt that the work of the Ad Hoc Committee should not get bogged down in peripheral exercises of a work programme or debate on verification pre-requisites while the central issue of negotiating a treaty on a nuclear test ban remains unresolved.

"11. Some delegations of this Group believed the Ad Hoc Committee should take into account concrete proposals already presented to the Conference, specifically pointing to the draft treaties proposed by Sweden and the USSR in 1983. Many delegations of the Group emphasized that the fact that the mandate of the Committee indicated that the four elements of structure, scope, verification and compliance are interrelated precluded any selective approach and therefore called for substantive consideration of each of them in an harmonious and simultaneous manner. It was also suggested that the Ad Hoc Committee consider the need for harmonization between its work and the bilateral USSR/United States process on nuclear testing. Some delegations of this Group also stressed the complementarity between the work in the Conference on Disarmament on agenda item 1 and the holding of the Conference of the States Parties to the Partial Test Ban Treaty for the purpose of converting it into a comprehensive ban. Some members of the Group underscored the positive impact the re-establishment of the Ad Hoc Committee would have on the 4th Review Conference of the Nuclear Non-Proliferation Treaty in August-September this year. Several delegations called for a moratorium on nuclear testing during the course of the Conference's work on the item. It was also suggested that negotiations on a nuclear test ban should duly take into account the question of the peaceful nuclear explosions and for that purpose it was suggested that a review of all background information should be conducted. One delegation belonging to Group of 21 stated that as early as in 1954 it had called for a standstill agreement on the suspension of nuclear weapon tests pending agreement on control and production of nuclear weapons. Had this agreement been achieved earlier, three generations of nuclear weapons would not have been invented. The world community had lost valuable time in the achievement of this goal. However, an understanding on a moratorium on nuclear weapons testing could still be achieved, pending the conclusion of a comprehensive test ban treaty, in keeping with the 6-Nation Initiative. It remained convinced that there could be no comprehensive test ban treaty as long as even one of the nuclear weapon States remained outside these negotiations, as long as nuclear weapon tests were thought necessary for maintaining a credible policy of nuclear deterrence and as long as a comprehensive test ban was treated only as a long-term goal.

"12. Two delegations of the Group stated that a comprehensive test ban treaty must, in order to have minimum credibility, be drawn up with the active participation of all powers presently carrying out nuclear weapon tests. In their view, it should at the same time not become an instrument whereby continued testing was condoned through phased schemes that guarantee its conduct at lower yields or number. They believed as well that the elaboration of a nuclear test ban with adequate mechanisms to monitor compliance, should avoid unnecessary provisions which might lead to any additional controls or constraints on the transfer of technology for peaceful uses of nuclear energy.

"13. Addressing the practical aspects linked with future activities of the subsidiary organ, many delegations of the Group considered that it could be useful to set up two separate working groups to deal in a structured way with the four elements spelt out in the Committee's mandate.

"14. Members of the Group of East European and other States remained convinced that a prohibition of nuclear weapons tests was the key to containing the nuclear arms race and to considerably checking the refinement of nuclear weapons, thus bringing closer the ultimate goal of a nuclear-free world. Members of the Group stressed the beneficial effect that the re-establishment of the Ad Hoc Committee would have in strengthening the Treaty on Nuclear Non-Proliferation and, in particular, the contribution it could make to a successful fourth review of that instrument. The Group reaffirmed its belief that all avenues should be used to achieve progress on the issue, and, in that context, welcomed the signing by the USSR and the United States of the Protocols to the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976 as a step towards a comprehensive test ban treaty. They welcomed the re-establishment of the Ad Hoc Committee and the spirit of flexibility manifested by members of the Conference which allowed for its setting up. They underlined the many developments that had taken place since the Conference last established subsidiary bodies on the item in 1982 and 1983, and the considerable wealth of experience at hand. They pointed to the many proposals and ideas already put forward over the years. They felt that the Ad Hoc Committee should concentrate its work on identifying areas where consensus was in reach. They supported from the very beginning that the Chairman conduct informal consultations, parallel to the formal meetings of the Ad Hoc Committee, on a detailed programme of work to prepare the ground for future consideration of the item. They suggested that the Chairman continue to prepare the ground, in an appropriate framework until the beginning of the 1991 session of the Conference, taking into account the latest developments in this field.

"15. A nuclear-weapon State, member of that group, expressed its continued commitment to the early achievement of a comprehensive test ban as not only a measure to curb the nuclear arms race but an important means of promoting non-proliferation of nuclear weapons as well. Based on this assessment of the importance and the role of this problem in world affairs, it was prepared to use all possible ways and means in order to reach its early resolution - be it through bilateral negotiations or multilateral efforts, through widening the scope of the 1963 Moscow Treaty or through a joint declaration together with the United States on a nuclear tests moratorium. It continued to believe that a step-by-step approach to the achievement of a comprehensive ban was justifiable. It pointed to that approach in its bilateral negotiations on nuclear testing with the United States and stressed that the first goal of those negotiations had been reached with the signing of the two Protocols to the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976. It underlined its support for a continuation of those negotiations to consider further limitations on the quantity and yield of nuclear tests. It stated its conviction that a final resolution of the problem of stopping nuclear tests required focusing the efforts of relevant multilateral bodies as well. In its view, bilateral and multilateral efforts may and should complement each other. It expressed the opinion that such a representative forum as the Conference on Disarmament would also make its tangible contribution to the solution of this problem through its Ad Hoc Committee.

"16. A group of Western countries continued to stress its commitment to a world free of nuclear weapons, in peace and stability. Members of the group firmly re-stated their belief that the Conference on Disarmament, as the only global multilateral negotiating forum for disarmament questions, was the most appropriate place for in-depth discussion of multilateral aspects of a nuclear test ban. They welcomed the re-establishment of the Ad Hoc Committee, the work of which would inevitably be of a step-by-step nature. The Group favoured a detailed discussion on the whole range of issues related to a nuclear test ban. They noted that the Committee's mandate did not require it to enter into negotiation of a treaty text, and that before that stage could be reached there was much work to be done. They felt that much relevant work had been done since the Conference had last established a subsidiary body on nuclear testing, particularly on development and implementation of verification measures. They pointed particularly to the important work of the Ad Hoc Group of Scientific Experts and, in the bilateral field, to procedures developed by the United States and the Soviet Union for verification of 1974 Threshold Test Ban Treaty and 1976 Peaceful Nuclear Explosions Treaty. They noted, however, that adequate means for effectively verifying a comprehensive test ban were not yet at hand, and that further work on the whole range of monitoring techniques remained to be undertaken.

"17. A nuclear weapon State, member of the Western group, reaffirmed once again that a comprehensive test ban remained a long-term objective. It still maintained that a comprehensive ban must be seen in the context of a time when it is no longer necessary to depend on nuclear deterrence to ensure international security and stability. It again stressed that the following needed to be achieved before reaching agreement on a comprehensive ban: broad, deep and verifiable arms reductions; greatly improved verification capabilities; expanded confidence-building measures and greater balance in conventional forces. It pointed out that contrary to the beliefs of some, even the most effective seismic monitoring system was only one element of effective verification. It reaffirmed that it would continue to deal with the question on the basis of a step-by-step approach. It welcomed the re-establishment of the Ad Hoc Committee with a non-negotiating mandate and stressed it would contribute fully as well as share the results of its research in relevant technologies.

"18. Another Western nuclear weapon State stressed that, for its part as well, a comprehensive test ban remained a long-term objective, progress on which should be made on a step-by-step basis. It stressed that the vital element in achieving a comprehensive test ban would be the willingness of those who are currently testing to stop testing. It reiterated the three criteria it felt would be needed to be satisfied or which should be used in consideration as to whether or not a State currently wished to stop testing. They were: the degree of reliance on nuclear weapons for security; the relative importance of testing, among the techniques available, to ensure effectiveness and reliability of the residual nuclear weapon stocks at the time the test ban comes into force; and confidence in the effectiveness of a nuclear test ban treaty. It also welcomed the re-establishment of the Ad Hoc Committee and reiterated its willingness to contribute to its work in establishing the necessary components for an effective treaty.

"19. Another nuclear weapon State, not member of any group, stated that it understood the urgent desire of the Third World countries and the non-nuclear-weapon States for a nuclear test ban at an early date. It reiterated the importance that it had attached to the issue of a nuclear test ban in the context of its continued stand in favour of the complete prohibition and thorough destruction of all nuclear weapons. It again repeated that in order to stop the nuclear arms race and achieve nuclear disarmament, the two States possessing the largest nuclear arsenals should take the lead in halting the development, production and deployment of all nuclear weapons and drastically reducing their nuclear arsenals. The same State welcomed the re-establishment of the Ad Hoc Committee, in which it had decided to participate, and confirmed that it would take an active part in its work.

"20. Many delegations addressed the subject of structure and scope of a nuclear test ban treaty. Many delegations stressed the urgency of reaching agreement, while other delegations stressed again the need for a gradual approach to the achievement of a comprehensive ban. Many delegations stressed that the gradual approach to the elimination of nuclear weapons tests would not halt the modernization of nuclear weapons but rather legitimize the holding of such tests. Some other delegations pointed to the need for further discussion on the question of nuclear explosions for peaceful purposes. They also felt that such a treaty should ensure that the majority of nations should not be denied the full benefit of technological advancement in the nuclear field. Several delegations supported the idea that a moratorium on nuclear explosions for peaceful purposes be agreed upon until agreement was reached on the conditions under which such explosions could be carried out. It was suggested to bear in mind the idea that a comprehensive agreement could contain time frames for phasing out of all tests. A suggestion was made that a treaty should provide that no party cause, encourage or in any way participate in the conduct of any nuclear weapon test explosion anywhere.

With respect to the structure of a treaty, the idea was forwarded that the structure of a treaty was related to those questions which would need to be dealt with under scope. It was also suggested that one element to be considered was the relationship of a treaty to other international agreements of a bilateral or regional nature relating to the question. Several delegations stressed that in the future consideration of the structure of the treaty, special attention should be given to the relationship of a comprehensive test ban treaty with other relevant agreements which could have a bearing on the activities of States in this and other related fields. In this sense, they recalled the necessity to avoid unnecessary duplications or contradictions between different norms.

"21. One delegation belonging to the Group of 21 stated that it was clear from the trilateral negotiators' joint report to the Committee on Disarmament in 1980 that the three negotiators had agreed upon a scope of the treaty on nuclear test ban, i.e., to have a treaty prohibiting nuclear weapon test explosions in all environments and a protocol covering nuclear explosions for peaceful purposes. While the main treaty was to be on the prohibition of nuclear weapon tests, the protocol on PNEs was to establish a moratorium on nuclear explosions for peaceful purposes until arrangements for conducting them were worked out. In the view of this delegation, the scope of a comprehensive test ban treaty had been clearly spelt out in the Preamble of the Partial Test Ban Treaty of 1963 which committed the parties to the objectives of achieving the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end. During the earlier conception of a comprehensive test ban treaty, peaceful explosions had always been assigned a separate role. The original intention at the time of the negotiation of the PTBT clearly was to maintain a dividing line between nuclear weapon tests which were to be prohibited entirely and nuclear explosions for peaceful purposes to be allowed under certain conditions. All the existing international arrangements which referred to the nuclear tests contained separate provisions for peaceful nuclear explosions. In the view of this delegation, the scope of the agreement therefore had to be consistent with what the Preamble of the PTBT seeks to achieve and to ensure that the majority of nations are not denied the full benefits of technological advancement in the nuclear field while a handful of States were left free to do so. The aim of a CTBT, and consequently, its scope had to be to prevent the testing of nuclear weapons and thereby to inhibit, in a non-discriminatory way, proliferation of nuclear weapons in their horizontal as well as vertical dimension. It could not be envisaged as an instrument designed to curtail technological progress or to perpetuate the division of the world into two categories of nations. In the promotion of the achievement of a nuclear test ban, the interests of the nuclear weapon States had to be taken into account on a basis of complete equality with the interests of the non-nuclear weapon States. This delegation stated that it had submitted a Working Paper entitled "New Technologies and Qualitative Arms Race" at the 3rd session of the United Nations General Assembly in 1988 containing a description of the emerging technologies including new "third generation" nuclear weapons. The development of these weapons could be effectively impeded by achieving a comprehensive test ban treaty which aimed at the general and complete cessation of testing of nuclear weapons by all States in all environments for all time. To be truly effective, such a treaty had to be non-discriminatory and had to be universally observed.

"22. The Group of 21 stated that the international community has recognised that the question relating to verification and compliance can only be considered in tandem with other aspects of a treaty and referred to paragraph 31 of the Final Document of SSOD I which states that the form and modalities of the verification to be provided in any agreement depends upon and should be determined by the purpose, scope and nature of the agreement. In their view, the treaty on a nuclear test ban should be equitable and non-discriminatory so as to attract universal adherence and should include a verification system that is universal in its application, non-discriminatory in character and guarantees equal access to all States. Many delegations reiterated that the question of verification of a nuclear test ban was political not technical in nature and that appropriate verification methods were at hand. The view was expressed that national technical means of verification coupled with the proposed international exchange of seismic data would be adequate for monitoring a future treaty. It was pointed out that the trilateral negotiators' joint report to the Committee on Disarmament in 1980 had made it clear that definite progress has been made on the question of verification and compliance of a treaty in that all the three parties had agreed to use national technical means for verification and there was an agreement on on-site inspections on a voluntary basis.

"23. A Group of Western States stressed that current seismic monitoring techniques cannot detect a range of military significant testing at the low end of the spectrum, and pointed out the need for further development of nuclear test ban monitoring systems and their capability and reliability. It was also pointed out that consideration should be given to the development and implementation of new monitoring technologies. One delegation within this group recalled its proposal for the establishment, testing and further development of a global seismic network as an important means of verifying compliance with a comprehensive test ban treaty.

"24. Some delegations stressed again the need for a step-by-step approach that would allow a gradual refinement of a multilateral system in accordance with the experience gained during the establishment and adoption of parts of the system because of pertinent developments in science and technology.

"25. Several delegations called for greater transparency by those States conducting nuclear tests in the provision of information and data on their nuclear testing.

"26. Delegations shared the view that one of the basic elements of an effective multilateral verification system was seismic monitoring. In that regard, much support was expressed for the work of the Ad Hoc Group of Scientific Experts. Some delegations suggested that the Ad Hoc Committee could consider ways to give guidance to the work of the Ad Hoc Group. One delegation reiterated its proposal to expand the mandate of that Group to include other means of verification besides seismic monitoring.

"27. Upon invitation by the Committee, the Chairman of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events, its Scientific Secretary and the Coordinator of the Group's Second Technical Test (GSETT-2) reported to the Ad Hoc Committee at its third meeting on 6 August 1990, on the status of the Group's activities. Discussions revolved around such questions as the reliability of the global seismic data exchange network being elaborated by the Ad Hoc Group; its detection and identification capability: the need to expand participation in the testing of the system currently underway.

"28. Several delegations suggested that, in addition to seismic monitoring, the possibility should be considered of reinforcing a multilateral verification system for the monitoring of a nuclear test ban to include: atmospheric radioactivity surveillance; satellite remote sensing; and on-site inspection. They maintained that a consideration of these various components in their inter-relationship could greatly enhance the reliability of any future verification system.

"29. Many delegations suggested that the Ad Hoc Committee bear in mind the practical work accomplished on nuclear testing verification issues in the context of the bilateral USSR/United States Nuclear Testing Talks (NTT). They welcomed the signing by the USSR and United States of the protocols to the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976. The chief negotiators of the NTT, Ambassador Palenykh of the USSR and Ambassador Robinson of the United States, addressed the Ad Hoc Committee at its fourth meeting on 9 August 1990, on the verification methods used in those two protocols, namely, hydro-dynamic yield measurement, on-site inspections and in-country seismic monitoring. Discussions revolved mainly around the applicability of those methods to verification of a multilateral treaty. The Ad Hoc Committee expressed appreciation for the visit of the Soviet and United States negotiators. It was the overall view that the Ad Hoc Committee's consideration of verification questions benefited from the above exchange and that this form of exchange of information could be useful in future consideration as well.

"30. It was suggested that future consideration of the question of institutional and administrative arrangements could include methods of consultation and cooperation as well as appropriate organs, their composition and functions. Consideration could also be given to questions of financial aspects related to a verification system.

"31. With respect to the parallel consultations under the guidance of the Chair on a programme of work for future consideration, the Chairman announced that several proposals had been put forward. The Chair pointed out that, although these proposals contained common elements based on the existing mandate, points of divergence had to be narrowed and that the remaining amount of time was not sufficient to produce the programme of work before the end of the session. The Chair also expressed his hope that the useful exchange of the views held this time would be taken into account in the future. It was suggested that members of the Ad Hoc Committee continue to discuss the subject during the intersessional period of the Conference on Disarmament and that, if necessary, parallel consultations on a programme of work could continue when the Ad Hoc Committee is re-established.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"32. The Ad Hoc Committee agreed that, given the short time at its disposal, it had carried out a preliminary examination of specific and inter-related test ban issues. Bearing in mind the long awaited agreement on the re-establishment of the Ad Hoc Committee, it was recognized that these initial discussions were useful in preparing the ground for further consideration of the issue.

"33. The Ad Hoc Committee noted with appreciation the work of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events. Its second technical test (GSETT-2) was considered to be of particular importance and it was recommended that more States participate in the test. The participation of the officials of the Ad Hoc Group in the work of the Committee was appreciated and it was generally felt that the Ad Hoc Committee should continue the practice of meeting with experts of the Ad Hoc Group.

"34. It was agreed that substantive work on agenda item 1 should continue at the 1991 session of the Conference and that, accordingly, it would be appropriate to re-establish the Ad Hoc Committee, in accordance with recently established procedures.

"In the absence of consensus on a specific time frame, the Group of 21 and many other delegations stated that the Ad Hoc Committee should be re-established at the beginning of the 1991 session."

B. Cessation of the Nuclear Arms Race and Nuclear Disarmament

30. The item on the agenda entitled "Cessation of the Nuclear Arms Race and Nuclear Disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 19 February-2 March and 18-29 June 1990. At its 547th plenary meeting on 29 March 1990, the Conference decided that informal meetings be held during its 1990 session on the substance of the agenda item, and that the discussions at those informal meetings be duly reflected in the annual report of the Conference to the General Assembly of the United Nations. Five informal meetings devoted to the agenda item were held between 10 April and 31 July 1990.

31. At the time of the adoption of that decision, the President of the Conference stated the following:

> "Under the rules of procedure, the President of the Conference has the responsibility, in accordance with the normal duties of any presiding officer, to ensure that discussions at plenary or informal meetings are conducted in an orderly way. Accordingly, I wish to inform you that I have myself taken the initiative of preparing a list of topics for the purpose of facilitating a structured discussion at informal meetings on the substance of agenda items 2 and 3. That list is my own and therefore does not bind any delegation. Furthermore, it is understood that members wishing to do so may raise any subject relevant to the agenda item, as is the normal practice of the Conference."

32. The list of topics read out by the President was as follows:

"- Implementation of paragraph 50 of the Final Document of SSOD-I in the light of the trends in international relations.

- Evaluation of the dynamics of nuclear arms race in the light of recent international developments.

- The nuclear arms race in all its qualitative aspects, and related matters.

- Existing international instruments concerning cessation of nuclear arms race and nuclear disarmament.

- The interrelation between bilateral and multilateral consideration of the cessation of nuclear arms race and nuclear disarmament; participation in negotiations for the cessation of nuclear arms race and nuclear disarmament; prerequisites for the participation of all nuclear-weapon States in nuclear disarmament; role of the Conference on Disarmament.

- Security concepts relating to nuclear weapons in view of recent developments and in the light of the global consequences of existing and envisaged disarmament and arms limitation agreements.

- The role of nuclear deterrence in keeping the peace for forty years: the need to proceed carefully and gradually in reducing reliance on nuclear deterrence.

- Principles governing nuclear disarmament.

- Proposals on stages and measures of nuclear disarmament.

- Cessation of the production of fissionable material for weapons purposes, and measures against the reuse of fissionable material for weapons purposes released by disarmament steps.

- Naval nuclear armaments and disarmament.
- Collateral measures with the aim of consolidating and continuing the ongoing process of nuclear disarmament
    - non-proliferation of missiles and other means of delivery of nuclear weapons as well as their technology
    - confidence-building measures promoting nuclear disarmament.
- Verification in relation to the purposes, scope and nature of agreements.
- Existing proposals."

33. After the President's statement, the Group of 21 recalled its proposal for the establishment of an ad hoc committee under the agenda item (CD/819/Rev.1), noting that it reflected the urgency of the issue and the need to deal with it in a multilateral negotiating framework in the Conference. Accordingly, the Group stressed that its acceptance of the format of informal meetings to discuss the agenda item in no way prejudiced its principled stand reflected in CD/64, CD/116, CD/180, CD/526, CD/819 and CD/819/Rev.1. The Group also expected substantial movement on the issue of setting up an ad hoc committee on the agenda item next year.

34. The Western Group considered that the establishment of subsidiary bodies for items 2 and 3 remained inappropriate. Despite its preference for the consideration of those items in formal plenary meetings, the Group was ready to play a full part in the informal meetings on items 2 and 3. The Group also noted that, as pointed out by the President, the list of topics as read out by him was binding upon no delegation and that it did not see in his statement any precedent whatsoever for decisions relating to the activities of the Conference.

35. The Group of East European and other States stated that the holding of informal meetings on agenda items 2 and 3 offered all delegations the opportunity to enter into a specific exchange of views on topics of disarmament which have high priority in order to prepare the ground for negotiations. The Group further said that, in order to enable practical work to get under way, it had decided for the time being not to insist on the establishment of ad hoc committees, which continued to be its preference.

36. A nuclear-weapon State, not belonging to any group, welcomed the progress made on agenda items 2 and 3 and, noting that they directly concerned important questions which had a bearing on international peace and security, stated that the Conference should carry out in-depth discussions on those items in a more formal and constructive way. It supported the position of the Group of 21 on the establishment of ad hoc committees on those items.

37. The following documents were submitted to the Conference under the agenda item during the 1990 session:

(a) Document CD/973, dated 23 February 1990, submitted by the delegation of the United States of America, entitled "Documents from the Wyoming and Moscow Meetings between the United States Secretary of State James A. Baker, III and Union of Soviet Socialist Republics Foreign Minister Eduard A. Shevardnadze".

(b) Document CD/974, dated 23 February 1990, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Documents from the Wyoming and Moscow Meetings between the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Eduard A. Shevardnadze, and the United States Secretary of State, James A. Baker III".

(c) Document CD/978, dated 15 March 1990, submitted by the delegation of the United States of America, entitled "Statement issued by the President of the United States of America, Mr. George Bush, in commemoration of the twentieth anniversary of the entry into force of the Nuclear Non-Proliferation Treaty".

(d) Document CD/995, dated 26 April 1990, submitted by the delegation of Canada, entitled "Fifth issue in the verification brochures series entitled 'Canada and International Safeguards: Verifying Nuclear Non-Proliferation' ".

(e) Document CD/1000, dated 12 June 1990, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Text of the Agreement between the Union of Soviet Socialist Republics and the United States of America on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons, the agreed Statement in connection with that Agreement and the USSR-United States Joint Statement on non-proliferation".

(f) Document CD/1001, dated 12 June 1990, submitted by the delegation of the United States of America, entitled "Text of the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons, the agreed Statement in connection with that Agreement and the United States-USSR Joint Statement on non-proliferation".

(g) Document CD/1004, dated 20 June 1990, submitted by the delegation of the United States of America, entitled "Joint Statements on the Treaty on Strategic Offensive Arms and on Future Negotiations on Nuclear and Space Arms and further enhancing Strategic Stability, adopted at the United States-Soviet Summit Meeting in Washington on 1 June 1990".

(h) Document CD/1005, dated 20 June 1990, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Joint Statements on the Treaty on Strategic Offensive Arms and on Future Negotiations on Nuclear and Space Arms and further enhancing Strategic Stability, adopted at the Soviet-United States Summit Meeting in Washington on 1 June 1990".

38. Many delegations addressed various issues relating to the cessation of the nuclear-arms race and nuclear disarmament at plenary meetings of the Conference. These statements, which contributed to further explanation of the positions of delegations, including individual nuclear-weapon States, as reflected below, appear in the verbatim records of the Conference on Disarmament. Furthermore, various aspects of this item were discussed at the informal meetings.

39. The Group of 21, while attaching the highest priority to the nuclear issues reaffirmed its conviction of the paramount need for urgent multilateral negotiations on the cessation of the nuclear-arms race and nuclear disarmament through adoption of conrete measures leading to complete elimination of nuclear weapons. The Group of 21 reaffirmed its position that all nations had a vital interest in negotiations on nuclear disarmament, because the existence of nuclear weapons in the arsenals of a handful of States and their quantitative and qualitative development directly jeopardized the security of both nuclear and non-nuclear-weapon States. This was an objective which the international community yearned to achieve. Many delegations pointed out that States that had voluntarily renounced the nuclear-weapon option had done so in the larger interest of contributing to the goal of a world free of nuclear weapons and in the expectation that the nuclear-weapon States would also come to abjure them. To deny to the non-nuclear-weapon States the right to participate in the elaboration of measures for nuclear disarmament would therefore be morally indefensible as well as legally incorrect.

40. It was the view of the Group that though the main responsibility for nuclear disarmament lies with the major nuclear-weapon Powers, however, all States should take part in efforts to eliminate them. While welcoming the bilateral negotiations between the two major nuclear-weapon States, the Group reiterated that because of their limited scope and the number of parties involved, they could never replace the genuinely multilateral search for universally applicable nuclear-disarmament measures and called upon the Conference on Disarmament as the sole multilateral negotiating body to play its role. At the same time the Group considered that nuclear-weapon States should accept the obligation to take positive and practical steps towards the adoption and implementation of concrete measures towards nuclear disarmament, as there is a clear consensus among all experts that even a limited nuclear exchange would produce catastrophe for our biosphere. It was, therefore, clear that nuclear weapons cannot be used for any kind of defence. Conventional wars cannot under any circumstances be equated with nuclear war. Pending the achievement of complete nuclear disarmament, the only way to eliminate the threat of a nuclear holocaust was to conclude a convention that would prohibit the use or threat of use of nuclear weapons.

41. Members of the Group of 21 emphasized that they derived satisfaction from the fact that the two major Powers and their alliances have now recognized the need for genuine nuclear disarmament. The INF agreement and prospects for deep reductions in strategic nuclear arms were a demonstration of the political feasibility of a less weaponized state of security. Given the interdependant and multifaceted nature of security and threat perceptions, it is axiomatic that those issues should be addressed multilaterally. Many delegations stressed that the Conference, being the single multilateral negotiating body on disarmament, had an indispensable role to play in globalizing new security structures, since no single part of the world can be assigned exclusivity in conditions of security. General and complete disarmament under international control remains on the international agenda. Multilateral treatment of the nuclear issues on the CD's agenda deserves attention more than ever. It was therefore indispensable that the CD should address these questions with a view to developing broad principles and a framework for the stages of the global nuclear disarmament process.

42. While welcoming the opportunity to deal with this agenda item in a systematic way, members of the Group expressed their regret at the absence of consensus on the establishment of an *ad hoc* committee entrusted with item 2 of the agenda. Accordingly, the Group of 21 reiterated its proposal regarding the setting up by the Conference of a subsidiary body entrusted to elaborate on paragraph 50 of the Final Document of the first special session devoted to disarmament and to identify substantive issues for multilateral negotiations of agreements, with adequate measures of verification and in appropriate stages, for the cessation of the qualitative improvement and development of nuclear weapon systems; cessation of the production of all types of nuclear weapons and their means of delivery and the production of fissionable material for weapons' purposes; and the substantial reduction in existing nuclear weapons with a view to their ultimate elimination.

43. It was reiterated that the CD was the only multilateral negotiating forum that had the active and simultaneous presence of the five nuclear-weapon States as well as a very representative number of different States and it was perfectly suited to achieve a universal adherence to the NPT. Some delegations urged the two nuclear-weapon States outside the Treaty as well as all other States not yet parties to the Treaty, to accede to the NPT and participate constructively in the Fourth Review Conference and subsequent efforts to ensure its prolongation beyond 1995.

44. In connection with the forthcoming Fourth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons to be held in 1990 in Geneva, many delegations emphasized the need for strengthening the non-proliferation régime by additional measures such as the conclusion of a comprehensive test-ban treaty, the establishment of nuclear-weapon-free zones, assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons, the promotion of co-operation in the peaceful uses of nuclear technology and the adoption of measures at the bilateral and regional levels, to promote mutual confidence among countries of different areas of the world about each other's nuclear programmes. It was pointed out that the NPT was a corner-stone

of the international legal régime in the field of disarmament, it had made a significant contribution to the international security for two decades. Nevertheless, it was necessary to further consolidate this régime especially with regard to the obligations that arise out of Article VI, concerning the holding of negotiations in good faith on effective measures to bring about the cessation of the nuclear arms race and nuclear disarmament at an early date, as well as on the negotiation of a general and complete disarmament treaty under effective control.

45. In order to facilitate the success of the Review Conference in 1990 and the prolongation of the Treaty in 1995, some members of the Group of 21 strongly urged the nuclear-weapon States to continue nuclear disarmament and move towards a comprehensive test ban.

46. In an effort to strengthen further the non-proliferation régime and to achieve a universal adherence, one delegation submitted a proposal of an agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT for consideration during the forthcoming Review Conference (CD/967). The proposal, which was complementary in nature to the NPT, did not in any way represent an amendment to the Treaty and sought to allay the anxiety of most non-nuclear-weapon States parties to the NPT whose confidence in the Treaty appeared to be eroding.

47. One member of the Group stated that a tribute should be paid to the sagacity of the American and Soviet leaderships, who have started tracing the outlines of a pattern of disarmament. The INF Treaty demonstrated the principle, even if in a limited form, that the road to enhanced security lies through nuclear disarmament. Along with others, this delegation looked forward to the signing of the START agreement between the United States and the USSR later this year in the hope that it will pave the way for all States to join in the process of nuclear disarmament and thus enable the world to move in the not too distant future towards the complete elimination of nuclear weapons. The logic of the INF Treaty and the forthcoming START agreement dictated that the thousands of tactical weapons still in existence and for that matter all nuclear weapons - should also follow the route of abolition. The validity of nuclear weapons cannot be justified on the basis of doctrines of nuclear deterrence and the claim that nuclear weapons have maintained peace in the post-war years. Rather, the nuclear arms race had exacerbated the friction to a level of lethality which embraces the whole of mankind. The rivalry which the nuclear arms race represented had a negative effect on all parts of the globe.

48. Many members of the Group firmly believed that serious consideration needs to be given to the attitudes, politics, doctrines, institutions and instruments required for a nuclear-weapon-free world. The recent signs of a turning-point are vulnerable. These cannot be nurtured in a world order based on any form of domination or divisiveness. One delegation reiterated that at SSOD-III, it had proposed the outline of a nuclear-weapon-free world, calling upon the international community to negotiate a binding commitment to general

and complete disarmament under effective international control. The action plan had been tabled in the Conference on Disarmament as CD/859 of 15 August 1988. While nuclear disarmament constituted the central motif in each stage of the plan, it was supported by collateral and other measures to further the process in a comprehensive manner that would enhance global security.

49. Some delegations observed with some concern that the targets announced in the bilateral negotiations between the US and USSR often seemed to dwindle in the face of complexity of reaching the desired goals within the time-limit set and the oft-repeated commitment to reduce the strategic arsenals by 50 per cent is now in fact limited to 30 per cent. In this connection, many delegations supported the proposal that the heads of the respective delegations of the United States and the Soviet Union to the bilateral negotiations on nuclear weapons in Geneva keep the Conference on Disarmament properly informed of the progress achieved in their negotiations and make statements at plenary and informal meetings of the Conference. It was also suggested to invite the Ministers of Foreign Affairs of the United States and the Union of Soviet Socialist Republics, so that they could also give their views on the cessation of the arms race, which could greatly enhance the work of the CD.

50. Many members of this Group expressed their legitimate concern at the expansion and modernization of naval forces by some States which had caused small States to feel insecure and threatened. This expansion, combined with increased sophistication of sea-based weapons systems, the deployment at sea of nuclear weapons, both strategic and tactical, and the introduction of nuclear-powered submarines in different regions of the world, have given an alarming capability to the navies of a few States. This question of naval disarmament and the placing of limits on the military uses of the high seas, therefore, also deserves to be addressed by the Conference on Disarmament. Measures which could be discussed under this heading could include effective nuclear disarmament at sea, limitation of the blue-water forces of major naval Powers, and increased sea-front security for the small and medium-sized coastal States. The capability for overseas power projection should be severely restricted.

51. One delegation stated that since naval forces were an integral part of overall military structures they should not be excluded from disarmament efforts. At least every fourth nuclear weapon was said to be earmarked for maritime use. It was essential to prevent the circumvention of agreements reached in other areas by means of changes in naval force structures. Widespread naval activities by nuclear-weapon Powers were a source of concern for many States since the mobility of naval forces allowed for flexible and rapid deployment. Sea-borne nuclear weapons were thus of global concern and should therefore be speedily integrated into the disarmament process. Important deliberations on naval armaments and disarmament had taken place within the framework of the United Nations Disarmament Commission. The delegation had proposed that the Conference on Disarmament should include the issue of naval nuclear armaments and disarmament. The most effective way of dealing with the problems of distrust related to nuclear weapons at sea would

be to prohibit all naval tactical nuclear weapons. This applied to nuclear weapons on all ships and submarines, other than those classes specifically designated by agreement. Such a ban should include all sea-launched cruise missiles with nuclear warheads. Furthermore, it appeared that more and more nations recognized the value of agreements on the prevention of incidents at sea. It was hoped that such agreements could be standardized through multilateral negotiations in the Conference on Disarmament as soon as possible.

52. Concurring with many of the arguments put forward by that delegation, another member of the Group stated that the subject is particularly relevant as it reflects the emergence of an alternative strategy which, in pursuing reductions on medium and short-range nuclear weapons, tilts the balance towards sea-launched systems. This delegation stressed that naval armaments present a destabilizing nature due to their mobility. It further commented on the negative impact of what it saw as a growing imbalance between reductions in land-based weapon systems and those whose present or future location is at sea or in space.

53. The Group of East European and Other States continued to stress that the cessation of the nuclear arms race and nuclear disarmament remained an issue of the highest priority. Members of the Group pointed out that the positive changes that had taken place in East-West relations lately had resulted in a considerable lessening of tension in international relations. The process of gradual elimination of military confrontation in the field of nuclear weapons had got under way particularly with the signing, the entry into force and the beginning of the implementation of the INF agreement. As a result of the CSCE follow-up negotiations in Vienna, talks on the reduction of conventional forces in Europe and on new security-building measures, were expected to bring a real breakthrough in conventional disarmament. There was also an expectation that the world would see sustained momentum in, and results produced by, the continuing talks between the USSR and the United States on 50 per cent reduction in their strategic nuclear arsenals, with the continuing authority of the ABM Treaty upheld. But, while underlining the significance of the bilateral efforts to conclude early the START Treaty, members of the Group at the same time stressed that the realities of international life obliged the Conference on Disarmament and all member States to act responsibly to discharge this urgent priority task. In their view, bilateral efforts and the results therefrom were a necessary but not a sufficient condition for a real, sustained and global disarmament process and should not replace multilateral efforts by member States of the Conference on Disarmament and the international community as a whole.

54. Members of the Group considered that the CD should play the role of a main forum in this field, providing a clear and realistic perspective as to the stages of nuclear disarmament, to seek the most promising ways to consider and negotiate questions designed to halt the arms race and to achieve disarmament in this field. This requires the adoption of a wide range of various measures which could hardly be incorporated in one single agreement. One State was of the opinion that some partial measures, which may have good chances of success in the Conference, could be identified, discussed and

negotiated upon in the framework of items 2 and 3 of the agenda. The indicative list of topics drawn up by Ambassador Azikiwe and the substance of the discussion, already give some initial orientation about the areas where convergence of views might emerge. Presenting its view on naval disarmament and confidence-building, it noted that in the light of the positive international trends, this becomes a more and more decisive factor in the relations between States, between East and West in particular. It considered it necessary for talks to start with the participation of the major naval States, especially the nuclear Powers, and also of other interested States, on the limitation and prohibition of military activity in agreed marine areas, the limitation and reduction of naval armaments and the extension of confidence-building measures to seas and oceans. The Conference on Disarmament could well be the forum for consideration of these problems. An important initial step to reduce tension in the maritime sphere would be the speedy identification of and agreement on confidence-building measures which are to be extended, especially to areas with the busiest sea lanes or where the probability of conflict is high. This refers to such measures as prior notification of naval transfers and manoeuvres, limitation on the number, scale and areas of naval exercises and invitation of observers to them, and general exchange of information on naval matters. Comparing data on naval forces, as well as discussing principles which would govern naval activities, would also be instrumental in strengthening confidence. Another important issue was that of ensuring the security of maritime communications. To this end the establishment of zones of reduced density of armaments and increased confidence in areas through which the main sea lanes pass, could be envisaged. In order to rule out the possibility of a surprise attack, offensive forces and weapons should be withdrawn from such zones. The delegation joined the call upon nuclear-weapon States to undertake, on a reciprocal basis, the practice of notifying the presence or absence of nuclear weapons on board their ships entering the ports of other countries. Early practical work could start for the elaboration of technical means for verifying the absence of nuclear weapons on military ships. All relevant questions in this regard could be discussed in the Conference on Disarmament with the participation of military experts.

55. Another member stressed that the elaboration of a phased programme of nuclear disarmament and of practical measures to stop the nuclear arms race, as provided for in Article 50 of the Final Document of SSOD.I, should remain the long-standing objective. At the same time, being realistic, it recognized that a consensus on a mandate with this objective was presently out of reach. For that purpose it recommended to start preparing the ground for genuine world-wide nuclear disarmament and as an initial step to consider whether the following issues could become subjects of the CD's work. Among them it mentioned follow-up agreements to the bilateral negotiations in the nuclear field on the multilateralization of the INF Treaty; the cessation of the production of fissionable material for weapons purposes; measures to prevent the recycling of fissionable material released by disarmament measures for weapons purposes; and measures to prevent the proliferation of missile technology and to promote the co-operation in the peaceful use of this technology. Another area could be the elaboration of outlines for verification

methods in the field of nuclear disarmament. The CD's experience in elaborating verification systems in the field of chemical disarmament could be exploited to yield positive results and could enclose elaborating outlines of verification methods pertaining to the declaration of stocks, production facilities, testing grounds, destruction of nuclear weapons and production facilities for these weapons. Thirdly, the discussion of the consequences of conventional disarmament, especially in Europe, for the prospects of nuclear disarmament could be another subject for more detailed consideration in the Conference. The unprecedented process of conventional disarmament in Europe should also find its reflection in the nuclear doctrines. Proposals have been made to discuss the concept of minimum deterrence. It was hoped that non-first use will become a generally-recognized conclusion. Finally, manifold measures of transparency and confidence-building in the nuclear field could be another meaningful subject of the CD's work.

56. The nuclear-weapon State belonging to this Group distributed within the Conference on Disarmament the text of a declaration of States parties to the Warsaw Treaty adopted at a meeting of the Political Consultative Committee in Moscow on 7 June 1990 (CD/1002), and also a communiqué about that meeting. Introducing the Declaration, it indicated that for the first time in the post-war period the rapidly changing situation in Europe and the world as a whole has created a unique opportunity to build a new world based on joint structures of European and universal security. In these circumstances, the elements of confrontation contained in documents of the Warsaw Treaty and the North Atlantic Alliance in past years no longer correspond to the spirit of the times. The nature and functions of these military-political alliances should be transformed into political organizations so that, in the period of transition, they can perform new, urgent tasks related to disarmament and the creation of a pan-European security system. In this context, the meeting of the Political Consultative Committee in Moscow also decided that the nature, functions and activities of the Warsaw Treaty should be reviewed, as well as its transformation into a treaty among sovereign States with equal rights, built upon democratic foundations. For that purpose they created a commission to submit appropriate concrete proposals. The declaration took a positive view of the trend towards changes in NATO and a number of concrete steps recently taken by that Alliance, which was expected to become more rapid and more thorough-going, and be reflected in appropriate substantive changes in the Alliance's activities. The States parties to the Warsaw Treaty remained also ready to co-operate constructively with neutral and non-aligned States. They expressed their wish for a successful conclusion to the Vienna talks on conventional armed forces and on confidence-building and security-building measures in Europe, in order that agreements on these subjects could be adopted at a meeting of leaders of CSCE participating States at the end of this year.

57. That same delegation pointed out that as new joint security structures are moulded in the European continent and the world as a whole, nuclear arms too must be looked at anew. This State put forward the ideal of a nuclear-free world. But the huge arsenals of nuclear weapons have become so firmly established in security systems that the idea of eliminating them at a stroke

is unrealistic. Nuclear disarmament is only part of a far broader phased process involving deep cuts in armed forces and conventional arms and the modification of their structure on the basis of non-offensive defence, as well as the establishment of machinery to ensure openness and monitoring to create a relaxed atmosphere in relations between States. Radical changes in East-West relations generally, the progressive replacement of instruments for maintaining peace by military force by security guarantees in the political, economic, humanitarian and environmental fields and their enshrinement in appropriate bilateral and multilateral agreements, which will require to overcome progressively the doctrine of nuclear deterrence. This doctrine, deserving detailed, impartial consideration, is impregnated with the concept of the enemy, the idea of mutual intimidation and competition in stockpiling nuclear weapons. On the other hand, as long as old stereotypes and perceptions are not overcome, the doctrine of deterrence gives some States a sense of security. In this context the achievement of a level of "minimum deterrence" seems for the moment to be a realistic stage on the way to a nuclear-free world. This will lead to the elimination of the most dangerous dimensions of the doctrine of deterrence while maintaining the deterrent effect of nuclear weapons themselves. The first steps in this direction have been taken. These include not only the Soviet-American Treaty on the elimination of intermediate-range and shorter-range missiles, but also the achievements in the elimination and reduction of strategic offensive weapons. Should a Soviet-American treaty on the limitation and reduction of strategic offensive arms be concluded, for the first time in the history of the development of the strategic triad, the steady build-up of all its three components will be halted and, over a seven-year period, both the number of strategic delivery vehicles of nuclear warheads (ICBMs, SLBMs and heavy bombers) and the number of nuclear warheads will be reduced. That would mark the beginning of a process of real reduction of strategic arms, an extremely substantial reduction measured in hundreds of delivery vehicles and thousands of warheads. Even more importantly, these reductions will be designed to make a first strike less likely. That will result in increased stability and a lessened threat of war.

58. It was pointed out that with the beginning of the START negotiations substantial changes took place in the military programmes of the USSR and the United States, moving towards a reduction in the quantity of the arms concerned deployed and the postponement of the move to new arms systems. The draft treaty provides for substantial quantitative and qualitative limitations to be imposed on the modernization of strategic offensive arms. The reductions and limitations spelt out in the treaty will be accompanied by far-reaching verification measures, including the conduct of 12 kinds of on-site inspection on a basis of reciprocity, the use of national technical means of verification, with a ban on interference with them and on denial of access of telemetric information, and the regular exchange of data on the numbers, locations and technical characteristics of strategic offensive arms. In order to promote achievement of the aims of the treaty, the sides will set up a joint compliance and inspection commission. Both sides are in favour of an immediate start to negotiations on the next stage of reductions in strategic offensive arms once the treaty being prepared has been concluded.

The determination of the USSR and the United States, to hold consultations without delay after treaty signature regarding future talks on nuclear and space arms and on the further strengthening of strategic stability, and to begin these negotiations at the earliest practical date, is viewed as of no less importance than the treaty itself. According to the joint statement on future negotiations on nuclear and space arms and further enhancing strategic stability, the USSR and the United States have agreed to pursue new talks on strategic offensive arms and on the relationship between strategic offensive and defensive arms. Their objectives are to reduce further the risk of outbreak of war, particularly nuclear war, and to ensure strategic stability, transparency and predictability through further stabilizing reductions in the strategic arsenals of both States. In these new negotiations emphasis will be placed on removing incentives for a nuclear first strike, reducing the concentration of warheads on strategic delivery vehicles and giving priority to highly survivable systems.

59. The elimination of imbalances and asymmetries in conventional armed forces in Europe under the treaty being negotiated in Vienna would open up a realistic prospect for fairly radical reductions in land-based tactical nuclear weapons to the level of "minimum deterrence". In that direction this State has already begun to move unilaterally. In 1989 500 nuclear warheads were withdrawn from the territories of its allies - 166 aviation warheads, 50 artillery warheads and 284 missile warheads. In the past two years it has not modernized its tactical nuclear missiles by means of replacement or by other means.

60. In order to create a favourable climate for negotiations on tactical nuclear weapons which this State proposes to begin as early as this autumn, it has decided to reduce its tactical nuclear weapons in Europe further. Specifically, by the end of this year in Central Europe, it will cut 60 launchers of tactical missiles, i.e., missiles with a shorter range than those being eliminated under the INF Treaty. Moreover, in Central Europe over 250 pieces of nuclear-capable artillery will be cut. These include heavy artillery of 152 mm calibre and above. Finally, 1,500 nuclear warheads will be withdrawn from that zone. This includes nuclear warheads from missiles subject to reductions, nuclear artillery shells and gravity bombs. However, this State was not limiting the sphere of its unilateral reductions to Central Europe only. In the European region it will cut a total of 140 tactical missile launchers and 3,200 nuclear-capable artillery pieces by the end of this year. This member would still prefer a decision on the complete elimination of both short-range missiles and all other categories of tactical nuclear weapons, including their nuclear components but it could also consider the possibility of an intermediate stage, that is, an asymmetric reduction to the lowest possible level. This member has proposed to the United States a start on negotations on the phased reduction and elimination of sea-based nuclear weapons (this means not just SLBMs); the elimination of all nuclear weapons on surface ships could be dealt with in the first phase of these talks. Moreover, the talks should produce a definite solution to the problem

of long-range nuclear-armed sea-launched cruise missiles, which should also be eliminated. This could of course lead to the establishment of "minimum nuclear deterrence" at sea.

61. As for the doctrine of nuclear deterrence, it emerged in specific historical circumstances and in a specific regional context. The ground is now being prepared for the establishment of new conditions in this region which should enable everyone to take a new look at the role of nuclear weapons as well. And it would be a very grave mistake if the theory of nuclear deterrence or a theory of deterrence based on other types of weapons of mass destruction, began to gain force and to materialize in other regions of the world as well.

62. A serious cause of the continuing threat of the proliferation of nuclear weapons lies in a growing potential for instability and a high concentration of non-nuclear weapons in various parts of the world. In this respect the problem of the non-proliferation of nuclear weapons is an integrated problem and is linked with the search for solutions to other regional disarmament issues (in particular, non-proliferation of chemical weapons, missiles and missile technology, limitations on the arms trade, etc.), as well as the reduction of tension in zones of potential conflict and crisis situations.

63. This member held the view that where nuclear disarmament issues were concerned, the Conference on Disarmament has so far been left out of the picture. In the view of this delegation, the Conference is undoubtedly the appropriate place where negotiations should be held. Though three nuclear States say that they are not prepared to join in negotiations on nuclear disarmament, conceptual work must be pursued at the same informal meetings of the CD. In this respect this delegation drew attention to the prohibition of production of fissionable material for weapons purposes. The cessation of the production of highly enriched uranium and plutonium would inevitably lead to cuts in the actual industrial base for making key components of nuclear weapons. The delegation believed that an objectively favourable situation now exists for the solution of this issue, which allows the Conference to start practical consideration of the monitored cessation of the production of fissionable material for weapons purposes under effective control. The first steps to the solution of this issue obviously will have to be taken by the USSR and the US, which could thoroughly discuss as soon as possible the question of the verifiable cessation of the production of fissionable materials for weapons' purposes at an expert level. Along with that, nothing precludes the involvement of the whole international community in the development of a multilateral treaty in the field, in particular, its verification machinery. At the same time, the CD could tackle the scientific and technical development of the potential for the use of nuclear materials released as a result of an agreement for peaceful purposes. Lately, great urgency has been acquired by the problem of the non-proliferation of missiles and missile-technology. But it underlined that there should not be any question of placing any hurdles to the development of international co-operation in the peaceful uses of outer space and the development of missile technology for meteorological communications and other purposes. The

beginning of a multilateral dialogue on the problem of the prevention of the spread of missile weaponry could be furthered by the fact that future limitations on the supply of missiles and missile technology should be effective and should not be detrimental to the interests of States possessing missile potentials, nor should be detrimental to the desires of those who would like to acquire such a potential for its uses for peaceful purposes, in particular, for the exploration of outer space. As a possible solution to this problem, the CD could discuss the creation of an international machinery, a sort of missile space IAEA. Participating in this organization could be both supplier States with a developed industrial base and States which are interested in guaranteeing access to missile and missile technology for their use for peaceful purposes. Conviction was expressed that the multilateral disarmament process, despite individual differences in the positions of States, could play a useful role in the consideration of this problem.

64. The Group of Western States continued to stress the special significance they attached to an in-depth consideration of the nuclear items on the agenda. This interest derived from the over-riding necessity of avoiding war and strengthening international security and stability in the nuclear age. The prevention of nuclear war was a global concern and not merely the responsibility of certain States or military alliances. The current efforts in this regard took place at a time of unprecedented change and opportunity. Developments in East-West relations suggested that real progress was possible in the field of arms control and disarmament. The changes taking place in some regions were bringing these States closer to the vision of a just, humane and democratic world. Western States welcomed increased openness, greater respect for human rights and active participation of the individual in shaping foreign policy. If sustained, these trends would strengthen the prospects for fundamental improvements in international relations, a prerequisite for real progress in the disarmament field.

65. The basic goal of Western arms control and disarmament policy was to strengthen security and increase stability at the lowest balanced level of forces and armament consistent with the requirements for the prevention of war and for defence. Peace must always be striven for, it can never be taken for granted. With this background in mind, military security and policies aimed at reducing tension and resolving underlying political differences were not contradictory but, on the contrary, complementary. In their determined efforts to reduce the relative importance of the military component and in trying to replace confrontation with co-operation, the Western States would, both in East-West relations and globally, exploit the opportunities for arms control as an agent of change. It was stated that they would spare no effort to ensure that these positive trends and developments resulted in greater security and stability for the benefit of all States. The Western States members of the North Atlantic Alliance pointed out that they had adopted on 29 and 30 May 1989 a comprehensive concept of arms control and disarmament which provided a way ahead in this respect and set an agenda for the future. This concept, circulated as document CD/926, represented a comprehensive approach to the CD agenda items "Cessation of the nuclear arms race and nuclear disarmament" and "Prevention of nuclear war, including all related matters" as

interrelated issues. The Western Group of States believed that these issues could only be dealt with satisfactorily in a broader context of prevention of war in general. It was with this objective in mind that the Western States were continuing their active and constructive approach to these items.

66. In the field of arms control, the members of the Group expressed their satisfaction about the progress made. The INF Treaty has eliminated a whole category of weapons, while providing for stringent verification measures. They reaffirmed their desire for the conclusion as soon as possible of an agreement significantly reducing the strategic nuclear arsenals of the two major nuclear Powers by eliminating destabilizing offensive capabilities. Although actively working for further progress in the field of nuclear disarmament, they nevertheless stressed that in their view the reduction of nuclear arms could not be fully dissociated from other disarmament measures and that it should take place within the context of a strengthening of international stability and security. In this respect they welcomed with satisfaction the general improvement in relations between the two main nuclear Powers, their respective allies and other European States, which had led to the negotiations on conventional disarmament and on confidence-building and security measures in Europe, on which they hoped to see rapid progress. In their opinion, agreements in this field and in the START negotiations would constitute major contributions to stability.

67. The Western States members of the North Atlantic Alliance welcomed the positive spirit of the the Declaration by the States parties to the Warsaw Treaty on 7 June 1990 (CD/1002) which stated that current developments in Europe are becoming irreversible and that they are in line with the interest of people in living in harmony, without artificial barriers or ideological enmity. There was a positive response to the intention of those States to review the nature and function of the Warsaw Treaty and to the notion that the very concepts of East and West are re-acquiring purely geographical significance and that elements of confrontation contained in documents of the Warsaw Treaty and the North Atlantic Alliance in past years no longer correspond to the spirit of the times. Of special importance was the reaffirmation by those States of their readiness to co-operate constructively with the North Atlantic Alliance in the interest of stability and disarmament in Europe, the strengthening of trust and the consolidation of the principle of defensive sufficiency.

68. In its turn the North Atlantic Council at the ministerial meeting at Turnberry, United Kingdom, 7-8 June 1990 (CD/1006) had expressed the determination to seize the historic opportunities resulting from the profound changes in Europe to help build a new peaceful order based on freedom, justice and democracy. Members of the North Atlantic Alliance stressed the importance of mutual acknowledgement of the legitimate security interests of all States. They urged that the arms control process should be vigorously pursued. They strongly emphasised that they attached the highest priority to the conclusion this year of a Conventional Forces in Europe Treaty and declared that the Allied governments would continue to work for substantive results in the CSBM negotiations, in the form of an agreement later this year. Such positive

results would lay the necessary basis for a CSCE Summit this year. As soon as a CFE agreement is reached the NATO allies will be prepared to undertake follow-on negotiations to further enhance security and stability in Europe. The NATO States endorsed the US President's recent proposal that negotiations on US and Soviet short-range nuclear weapons systems in Europe begin shortly after a CFE agreement is concluded. They welcomed the progress attained in the US-Soviet summit held in Washington from 31 May to 3 June and in particular the agreement on major outstanding issues governing the START Treaty that will result in deep reductions in both sides' strategic nuclear weapons, as well as agreement to begin further talks on strategic nuclear forces after the current treaty is completed. They took special note of the progress represented by the signature at the Summit Meeting of verification protocols for treaties limiting nuclear tests. They recognised that the developments in Europe of which the Allies had been and would continue to be among the principal architects, are producing far-reaching changes in the political and military fundamentals of European security and consequently in the conditions under which the Alliance is required to work. The principles of Alliance security set out in May 1989 (CD/926) remained the basis for the assessment of the implications of the changing situation in Europe for NATO strategy. The States concerned accepted that whilst ensuring that the permanent principles which form the basis of their alliance and guarantee its effectiveness are preserved, they must today adapt it to the enormous changes now taking place. This process had already begun. Although the prevention of war would always remain the fundamental task of the Alliance, the changing European environment now required of it a broader approach to security based as much on constructive peace-building as on peace-keeping.

69. Furthermore, in their "London Declaration on a transformed North Atlantic Alliance" issued on 5-6 July 1990 (CD/1013) the States of the North Atlantic Alliance stated that the Alliance should be even more an agent of change and could help build the structures of a more united continent, supporting security and stability with the strength of its shared faith in democracy, the rights of the individual and the peaceful resolutions of disputes. They reaffirmed that security and stability did not lie solely in the military dimension and they intended to enhance the political component of the Alliance. They stated that they would remain a defensive alliance and, having no aggressive intentions and committing themselves to the peaceful resolution of all disputes, would never in any circumstances be the first to use force.

70. The member States of the North Atlantic Alliance proposed to the member States of the Warsaw Treaty Organization a joint declaration in which they would solemnly state that they are no longer adversaries and reaffirm their intention to refrain from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purpose and principles of the United Nations Charter and with the CSCE Final Act. They invited all other CSCE participating States to join them in this commitment to non-aggression.

71. The member States of NATO invited President Gorbachev and representatives of the other Central and Eastern European States to address the North Atlantic Council and to establish regular diplomatic liaison with NATO. This will make it possible to share with them Allied thinking and deliberations in this historic period of change. The NATO Allies also offered intensive military contacts and proposed another CSCE military doctrine seminar autumn 1990. They intend to establish an entirely different quality of openness in Europe, including an agreement on "open skies".

72. The London Declaration set out a common approach on conventional arms control in the period up to the 1992 Helsinki CSCE meeting and beyond. It attached the highest priority to completing this year a conventional forces in Europe agreement, as well as a package of confidence and security building measures. Immediately after signature of the CFE agreement, follow-on talks with the same membership and mandate should start, focused on limiting manpower in Europe. At the time this Treaty is signed, a commitment will be given on manpower levels in a unified Germany. Beyond 1992, the Alliance foresees new conventional arms control negotiations, within the CSCE framework, aimed at further far-reaching measures to limit the offensive capability of conventional armed forces in Europe.

73. On force structures, the Declaration reaffirmed the importance of North American conventional and US nuclear forces in Europe. It also pointed the way to a reshaping of the conventional forces in Europe of NATO's integrated force structure towards smaller, more mobile units, made up of an increasingly multinational corps. NATO's integrated force structure will scale back the readiness of its active units and rely more heavily on the possibility for reinforcements.

74. The Declaration also reaffirmed the key principles of the Alliance's strategy: to keep the peace, the Alliance must maintain for the foreseeable future an appropriate mix of nuclear and conventional forces, based in Europe, and kept up to date where necessary. But, as a defensive Alliance, NATO had always stressed that none of its weapons would ever be used except in self-defence and that it sought the lowest and most stable level of nuclear forces needed to secure the prevention of war.

75. However, the political and military changes in Europe and the prospects of further changes now allow the States concerned to modify the size and adapt the task of their nuclear deterrent forces. They will need far fewer nuclear weapons, particularly sub-strategic systems of the shortest range. They are willing to eliminate nuclear artilleries from Europe in return for reciprocal Soviet action. New negotiations between the United States and the Soviet Union on the reduction of short-range nuclear forces should begin shortly after signature of the conventional forces in Europe agreement. With the total withdrawal of Soviet-stationed forces and the implementation of a conventional forces in Europe agreement, the Allies concerned could reduce their reliance on nuclear weapons. These will continue to fulfil an essential role in the overall strategy of the NATO Alliance to prevent war by ensuring that there are no circumstances in which nuclear retaliation in response to

military action might be discounted. However, in the transformed Europe, they will be able to adopt a new NATO strategy making nuclear forces truly weapons of last resort.

76. The States concerned will prepare a new Allied military strategy moving away from forward defence, where appropriate, towards a reduced forward presence and modifying flexible response to reflect a reduced reliance on nuclear weapons.

77. The London Declaration called for a more prominent role for the Conference on Security and Co-operation in Europe, bringing together the States of Europe and North America. The Declaration supported a CSCE summit later this year in Paris which would conclude the signature of a conventional forces in Europe agreement and set new standards for the establishment and preservation of free societies. The Declaration also proposed that the CSCE summit decide how the CSCE can be institutionalised to provide a forum for wider political dialogue in a more united Europe. The NATO Allies listed a number of specific proposals to these ends.

78. All members of the Western Group, noting that it was incumbent upon all States to intensify their efforts and take steps to promote disarmament, observed with growing concern the acquisition or the development of ballistic missiles by an increasing number of States. The elimination of this potential source of international instability and insecurity would seem to call for action, whether at the bilateral, regional or international levels, especially if this development were to be accompanied by national nuclear programmes.

79. Some members of the Group pointed out that there has been major progress in recent years in the field of nuclear disarmament and arms control. Radical reductions in existing stocks are no longer simply an idle fancy, but have become a tangible reality. But it must be ensured that nuclear arms reductions between East and West are not followed by a build-up in other parts of the world. The difference with the proliferation of missiles and chemical weapons, however, is that the dangers of nuclear proliferation were recognized years ago. The non-proliferation Treaty remains of vital importance for world stability. Strict compliance with non-proliferation standards remains a corner-stone of the policy of these States. Member States should endeavour to strengthen these standards further on the basis of a meaningful and thorough assessment of the implementation of the Treaty as a whole. The number of States which are party to the NPT is steadily increasing, and these delegations called upon those States which have yet not acceded to it to reconsider their stance.

80. Adding to the views expressed above, one nuclear-weapon State belonging to the Western Group observed that it did not believe that an arms race could be dealt with as an abstract issue. It was essential to take into account the tensions between States or groups of States that caused a build-up of arms. States had acquired nuclear weapons for the same reason that made them decide to acquire conventional ones - to enhance security. Nuclear weapons, it reiterated, were an essential component of the strategy of deterrence which,

in its opinion, contributed to preserving peace between the two major Powers and their allies, and such weapons would remain part of its arsenal for the foreseeable future. The risk of nuclear war could be reduced by creating a more stable nuclear balance, in which deterrence would be strengthened and a condition of crisis stability would prevail. Deep reductions in strategic forces could enhance stability if properly applied. This Western nuclear State provided information on several occasions on major steps taken in negotiations with the nuclear State of the Group of East European and Other States in negotiations on reducing strategic weapons and introduced related documents containing joint Statements by these two States on Strategic Offensive Arms and on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability (CD/1004). In addition, this State introduced a statement issued by its President in March of 1990 in recognition of the 20th Anniversary of what is, in its view, one of the principal foundations of international security today - the Nuclear Non-Proliferation Treaty, stressing its determination to carry out its treaty commitments and to work to assure its continuance in the interest of world peace and security (CD/978).

81. Another nuclear weapon State belonging to the Western Group stressed that in East/West relations security would depend for the foreseeable future on nuclear weapons. It felt that there had been an enormous improvement in those East/West relations, nowhere more evident than in the more productive approach shown by both sides to arms control. In its view, long-standing Western proposals had at last been accepted as being offered in good faith. It stated that the INF Treaty was the first Treaty to make reductions in nuclear weapons and had path-breaking verification provisions. That delegation underlined that prospects for the START negotiations were good. Furthermore, it added that the CFE talks in Vienna had been reinforced by imaginative proposals from a Western State, endorsed by NATO, to widen the scope and accelerate the time-scale of the negotiations. It pointed out that arms control was sensitive to changes in political relations. In its view, reducing arms did not enhance security if mistrust persisted. It underscored that verification was crucial to increase confidence, but that trust came from behaviour in all fields and real security came from setting aside threatening ideologies. It expressed the view that the NATO Declaration offered a vision for a new pattern of relations, replacing military antagonism with the building of co-operation on the basis of the full choice of peoples. The delegation stressed that global security was indivisible and went on to say that increased security in Europe would influence the wider world. Conversely, it felt that the spread or use of weapons of mass destruction outside Europe would lead to crises with world-wide implications. That State maintained that the Non-Proliferation Treaty had established a climate hostile to nuclear proliferation and that it must be kept in place for the security of all as technology became more accessible. It emphasized that that was all the more important when prospects for cutting the existing nuclear weapons of the super-Powers were better than for many years. In its view, throughout the gradual process of building up trust and building down arsenals, the NPT would remain essential.

82. A nuclear-weapon State belonging to the Western Group declared that it shared the general expectation of States that the process initiated by the INF Treaty be confirmed and accelerated. However, it recalled that there still existed a considerable disproportion between the arsenals of the two main nuclear Powers and its own. It considered that such an imbalance would persist even after a 50 percent reduction of the nuclear strategic forces of the United States and the Union of Soviet Socialist Republics. It therefore welcomed the decision of those countries to continue their negotiations for further reductions after the START Treaty is concluded. It recalled the conditions which would enable it to join the process of nuclear disarmament: a change in the nature of the disparity between its arsenals and those of the two main Powers, the end of the race for defensive technologies, the elimination of imbalances in conventional forces and the total prohibition of chemical weapons.

83. Delegations of the Western Group considered that the establishment of a subsidiary body for item 2 was inappropriate at the present stage and that in current circumstances the most appropriate tool for dealing with the problems of the cessation of the nuclear arms race and nuclear disarmament was plenary debate, where views of delegations were put on final record.

84. One nuclear-weapon State not belonging to any group pointed out that the 1980s witnessed tremendous changes in the world. While some progress has been made in such areas as relaxation of tension in the military sphere and the disarmament process, rivalry between different forces in the world, big power interference in the internal affairs of some regions with extremely acute complexities cannot but cause concern. The world today is neither trouble-free nor tranquil and it is no time to sit back and relax. The 1990s will be a decade of opportunities and challenges, and of hopes and dangers, all existing side by side. To safeguard global security and ensure the common progress of all countries are the most important goals in the 1990s and indeed the 21st century. To attain these goals it is imperative in international relations to abide universally by the Five Principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful co-existence. On this basis it is essential to establish a just and rational new international political order and economic order that conform to the fundamental interests of all countries. This is the way to safeguard effectively world peace and security of all countries and provide a solid foundation for the cause of disarmament.

85. It stated that many governments and organizations have taken an active part in extensive discussion and settlement of disarmament issues, working together to promote progess in disarmament. In their urgent need for peace, security and development, the Third World and small and medium-sized countries at large strongly call for a halt to the big Powers' arms race. They have put forward many reasonable proposals, including those for the establishment of zones of peace and nuclear-weapon-free zones in many parts of the world. With

their practical action, those countries have made an important contribution to the maintenance of peace and stability and to the endeavour towards disarmament.

86. The same State continued to view nuclear disarmament as an issue of paramount importance. It had all along stood for the complete prohibition and thorough destruction of nuclear weapons. It held that to achieve this objective two major nuclear States should assume a special responsibility and obligation to take the lead in halting the testing, production and deployment of nuclear weapons and drastically cut all types of nuclear weapons deployed at home and abroad. The tangible progress they were making in these fields will create conditions for convening a broadly representative international conference on nuclear disarmament with the participation of all nuclear-weapon States. To this end, it hoped that those States would through negotiations, effectively cut at least 50 per cent of their enormous nuclear arsenals, including sea-launched and air-launched cruise missiles, as well as tactical nuclear weapons, and proceed on this basis to cut their nuclear weapons by a bigger margin. All the nuclear weapons thus cut should be destroyed and the nuclear warheads duly disposed of. The reductions should not be confined merely to the nuclear weapons on their territories and in Europe, but should also include those deployed by them in Asia and the Pacific. This would contribute to peace and security in all regions of the world.

87. That State observed that over the past few years the two super Powers had made some headway in arms control negotiations, which was well received by all States. It noted, however, that the progress made so far was preliminary and limited and that there was still a long way to go as far as disarmament was concerned. Judging from the United States-Soviet negotiations, the actual cut envisaged was far less than 50 per cent. As some key categories of weapons are decoupled or shelved, these negotiations fall short of covering all types of strategic nuclear weapons in the hands of the two sides. With the arms talks focusing mainly on the question of quantity but evading that of quality, the arms race between the two States has not come to a genuine halt but has turned more to the qualitative aspect. Even if two major nuclear Powers were to cut their strategic nuclear arsenals by half, they would still possess over 90 per cent of all the nuclear weapons in the world, more than enough to destroy the whole of mankind several times over, thus remaining the biggest threat to international security.

88. With a view to ensuring a correct orientation for the disarmament process, it emphasized that the two super Powers, in possession of the largest arsenals, should earnestly carry out their special responsibilities for disarmament. All their bilateral disarmament agreements must contribute to the maintenance of international peace and stability without prejudice to the interests of any third State. They should not only slash the number of their armaments, but also completely stop their qualitative arms race. They should withdraw all their armed forces stationed abroad and remove all their military bases from foreign soil. The troops designated for reduction should be disbanded and not transferred to any other place. All the weapons and

equipment thus cut should be destroyed, dismantled or turned over to civilian purposes, and should not be integrated into other weapon systems or redeployed in other regions.

89. The same State stressed that the naval arms race between the super Powers not only involves nuclear and conventional weapons but also affects peace at seas and oceans, as well as global security and stability. Even today the spectre of the anachronistic "gunboat policy" still menaces some small and medium-sized countries from time to time. Therefore, in the process of disarmament one cannot but devote attention to naval arms reduction. It was of the view that the two major naval Powers should stop forthwith their naval arms expansion and substantially reduce their navies.

90. It stated that for the purpose of maintaining world peace and promoting the security of all nations, it did not advocate, encourage or engage in nuclear proliferation. In its co-operation with other States in the field of peaceful uses of nuclear energy it had adopted a responsible attitude, requiring the recipient States of its nuclear exports to accept IAEA safeguards and ensuring that its own nuclear imports are for peaceful purposes. At the same time, it was opposed to the practice of going all out for the nuclear arms race in both quantity and quality while imposing unreasonable restrictions on international co-operation in the peaceful uses of nuclear energy under the pretext of preventing nuclear proliferation. In 1988 its Government signed a unilateral submission agreement with IAEA to place a part of its nuclear energy installations under the Agency's safeguards. It had decided to send an observer delegation to the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

91. The same State stressed that it was the common aspiration of all States to reduce armaments and diminish the danger of war. All States, big or small, strong or weak, enjoy equal rights on the question of security and are entitled to take part in the discussion and settlement of security and disarmament questions. Though disarmament efforts on a bilateral or small-scale basis were welcome, they should in the view of this delegation not replace global scale multilateral disarmament efforts and all these efforts should promote and supplement each other.

92. One delegation, a non-member of the Conference, stated that sea-based nuclear systems should not become a means of circumventing disarmament agreements elsewhere. Nor should naval forces be left outside the growing openness in military matters. That State had appealed for the total elimination of long-range sea-based nuclear weapons. The nuclear Powers should, in the view of this delegation, seriously consider getting rid of sub-strategic nuclear weapons at sea. It also held that the NPT remained a cornerstone in multilateral disarmament efforts and the non-proliferation regime needs to be further strengthened. At the same time, the way should be paved for new accessions to make the Treaty truly universal. The delegation commended the efforts of Egypt in pointing out the need for dialogue with non-parties. It also greeted the proposal made by the President Designate of

the coming NPT Review Conference, Ambassador de Rivero of Peru, to organize consultations between 1990 and 1995 to ensure the prolongation and universalization of the Non-Proliferation Treaty.

93. Another observer expounded on a new pattern of security evolving in Europe, based on co-operation where political and humanitarian factors would contribute to the establishment of a new security equation. In this context it seemed that the CSCE had been a fundamental instrument and should be the most appropriate forum for dialogue directed towards creating a pan-European security system that should be based on the CSCE structure. It also mentioned a topic of particular concern to this State - the Mediterranean basin, containing one of the most substantial concentrations of arms in the world. It expressed the need to look at the possibility of establishing a framework for co-operation in the Mediterranean that would cover all the aspects of confidence, transparency, security, economic and technical co-operation and political and social freedoms, something similar to the CSCE procedure in the Mediterranean.

94. One observer delegation to the Conference stated that effective measures for disarmament negotiations that could win wide support, should be conducive to the national security interests of States. To ensure the security of States in an adequate fashion, it was not enough to take regional measures as weapons can now reach their targets irrespective of national and regional boundaries. Therefore, it would be unwise to focus efforts on security in just one region of the world separately from the security of other regions. The security concerns of the developing States do not benefit from the same degree of attention as those of the developed States. A peace based on mutual terror rather than on equality and justice cannot endure. The same State pointed out that the presence of nuclear weapons in the Middle Eastern region posed a serious threat to peace and security. This State had called for the establishment of a nuclear-weapon-free zone in the Middle East region and the prohibition of the proliferation of such weapons in the States of that region. However, persistent opposition of one State of the region to give up its nuclear weapons in a legally-binding manner, as well as its refusal to subject its nuclear facilities to international control, constituted an obstacle to the establishment of a nuclear-weapon-free zone in the Middle East. On the contrary, it will lead to a further escalation of the arms race in the region.

95. The heads of delegations to the bilateral talks on nuclear and space arms held by two major Powers made, at the 553rd plenary meeting on 19 April 1990, detailed presentations of the current status of their negotiations. During the summer session on 10 July 1990 at the informal meeting they further expounded on the progress and changes that had occurred in the negotiations since April last.

96. Many delegations of the Conference had expressed their interest in exchanging views and receiving detailed presentations by the heads of delegations to the bilateral talks on nuclear and space arms held by two major Powers about the current status of their negotiations. Their presence at the

553rd plenary meeting, as well as their availability during the informal plenary on 10 July were greatly appreciated by those delegations as it enabled member States and non-member participants at the CD to get a closer picture of the ongoing bilateral negotiations and at the same time allowed for a mutually enriching exchange of views between them and delegations represented at the CD on those crucial issues.

C. Prevention of Nuclear War, including all Related Matters

97. The item on the agenda entitled "Prevention of Nuclear War, including all Related Matters" was considered by the Conference, in accordance with its programme of work, during the periods 12-16 March and 9-13 July 1990. At its 547th plenary meeting on 29 March 1990, the Conference decided that informal meetings be held during its 1990 session on the substance of the agenda item, and that the discussions at those informal meetings be duly reflected in the annual report of the Conference to the General Assembly of the United Nations. Five informal meetings devoted to the agenda item were held between 17 April and 31 July 1990.

98. At the time of the adoption of that decision, the President of the Conference made the statement referred to in paragraph 31 above and read out the following list of topics:

"- The impossibility of separating the problems of preventing nuclear war and preventing any war.

- Measures to exclude the use of nuclear weapons, *inter alia*:

  - Paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly (code of peaceful conduct that would preclude the use or threat of use of nuclear weapons).

  - International convention prohibiting the use or threat of use of nuclear weapons under any circumstances (text annexed to General Assembly resolution 43/76 E of 7 December 1988).

  - Prohibition in a legally binding form of the use of nuclear weapons.

- Measures for confidence-building and crisis prevention:

  - Measures to enhance confidence and increase openness with regard to military activities, including a multilateral agreement on the prevention of incidents on the high seas.

  - Measures to prevent accidental or unauthorized use of nuclear weapons and to avoid and manage crisis situations, including the establishment of multilateral nuclear alert and crisis control centres.

- Measures to facilitate international verification of compliance with arms limitation and disarmament agreements.

- Criteria and parameters for defensive military postures; military strategies and doctrines; prevention of surprise attacks.

- New trends in weapons technology and their impact on security and disarmament efforts."

99. After the statement of the President, the Group of 21 expressed regret at the inability of the Conference to set up an ad hoc committee on the agenda item. The Group remained committed to the position expressed in CD/515/Rev.5, which contained a non-negotiating mandate for the establishment of an ad hoc committee that, in its view, would permit thorough consideration of all aspects of all proposals before the Conference. However, the Group was prepared to start consideration of the item in informal meetings in the hope that reservations on that mandate would be reviewed by other delegations.

100. The statements made by the other Groups and a nuclear-weapon State not belonging to any Group on the decision of the Conference and the Presidential list of topics relating to agenda item 3 are reflected in paragraphs 34 to 36 above.

101. Many delegations addressed various issues relating to the prevention of nuclear war, including all related matters, at plenary meetings of the Conference. These statements, which contributed to further explanation of the positions of delegations, including individual nuclear-weapon States, as reflected below, appear in the verbatim records of the Conference on Disarmament. Furthermore, various aspects of this item were discussed at the informal meetings.

102. Once again, the Group of 21 emphasized the importance it attached to this item. It believed that the greatest peril facing the world was the threat of destruction from a nuclear war, and that consequently the removal of this threat was the most acute and urgent task of the present day. It held that while nuclear-weapon States bore the primary responsibility for avoiding nuclear war, all nations had a vital interest in the negotiation of measures for prevention of nuclear war, in view of the catastrophic consequences that such a war would have for mankind. The Group recalled that as far back as 1961, General Assembly resolution 1653 (XVI) had declared that the use of nuclear weapons, besides being a violation of the Charter of the United Nations, would be contrary to the laws of humanity and a crime against mankind and civilization. It reminded the Conference that the Belgrade Declaration, adopted in September 1989 at the Ninth Conference of Heads of State or Government of Non-Aligned Countries, emphasized the extreme urgency of achieving nuclear disarmament through the complete elimination of nuclear weapons and "stressed the need for the conclusion of an international agreement prohibiting all use of nuclear weapons under any circumstances".

The Group of 21 maintained that it was a matter of concern for all delegations represented at the Conference that no progress had been possible on this item since its introduction as a separate item on the CD's agenda in accordance with General Assembly resolution 38/183 G. During these years the arms race has accelerated, leading to the expansion of nuclear-weapon stockpiles and the introduction of still more lethal warheads into them. The United Nations General Assembly had repeatedly requested the Conference on Disarmament to undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war and to establish for that purpose an ad hoc committee on this subject. The Group pointed out that during the 1989 General Assembly session there had been three resolutions on this subject adopted with overwhelming majorities. Two of these resolutions, 44/119 B on the prohibition of the use of nuclear weapons and 44/119 E on the prevention of nuclear war, were introduced by members of the Group of 21. The Group reiterated that in view of the irreversible consequences of a nuclear war, it was clear that conventional wars cannot, under any circumstances, be equated with nuclear war since nuclear weapons are weapons of mass destruction. In this context, invoking the Charter to justify the use of nuclear weapons in the exercise of the right of self-defence against conventional armed attack was completely unjustifiable. The Group remained convinced that the shortest way to remove the danger of nuclear war lies in the elimination of nuclear weapons, and that pending the achievement of nuclear disarmament, the use or threat of use of nuclear weapons should be prohibited.

103. The Group of 21 welcomed the declaration by then President Reagan and then General Secretary Gorbachev in November 1985 that "a nuclear war cannot be won and must never be fought", as also its reconfirmation in the joint statements issued subsequently. Now is the time to translate this will into a binding commitment. Remaining committed to its position, the Group of 21 believed that the consideration of all aspects - legal, political, technical, military - of all the proposals before the Conference will not only contribute to better understanding of the subject but also pave the way for negotiations for an agreement on prevention of nuclear war. Such an objective cannot be achieved only through discussions in the plenary or informal meetings. It felt disappointed that despite the urgency accorded to this subject and the flexibility displayed by the Group of 21, the Conference on Disarmament was not able to discharge its own mandate, which was reflected in paragraph 120 of the Final Document of SSOD-I.

104. One delegation noted that strategic security constructed after the end of the second World War based on the fundamental insecurities of nuclear weapon capabilities threatened not only the adversary State but also the existence of the human race. A vertical and spatial proliferation of nuclear weapons had taken place in the arsenals and infrastructures of the nuclear-weapon Powers and has resulted in the internal increase in the number of decision makers in using nuclear weapons and the degree of autonomy exercised by them. The risk of nuclear war continues to remain a key danger area in spite of elaborate systems of control since it rests on the thin edge of a threshold governed by the restraint, rationality and responsibility exercised by those who control

nuclear weapons and is unlikely to be fought in accordance with a mutually agreed and predecided code of conduct. Therefore, the need to reverse the current trends is paramount. This delegation suggested that new methodology to achieve this objective should be focussed on several fundamental concurrent approaches and primarily on altering the conceptual base of prevailing doctrines, strategies and rationalizations. Comparison of nuclear disarmament measures at the global level will also need to be worked out and implemented. The delegation also mentioned the need for the States to confine themselves to alternate approaches to security without nuclear weapons, which would provide for the legitimate needs of all States and at the same time would enhance mutual trust and co-operation. It underlined as well the need to contain and prevent the new arms race and new impetus being imparted to the existing arms race through qualitative improvements resulting from new and emerging technologies.

105. Another delegation of the same Group, addressing the question of measures to prevent accidental or unauthorized use of nuclear weapons and to avoid and manage crisis situations, referred to its proposal (CD/688) on the establishment of Multilateral Nuclear Alert and Crisis Control Centres. It pointed out that the positive evolution in the international political atmosphere made more plausible the concretization of such an initiative. It argued that due to the existence of vast nuclear arsenals in both major military alliances, and the fact that a conflict involving the use of nuclear weapons remains possible, the setting up of Multilateral Centres would enhance mutual confidence and at the same time contribute to defuse the dangers of outbreak of accidental nuclear war. This delegation considered that within the Conference on Disarmament, basic and acceptable criteria could be elaborated to allow for third party or multilateral participation in Nuclear Alert or Control Centres. Once established, these centres could also be useful in related fields, like verification of compliance with agreements on confidence-building measures (notification of large military manoeuvres, exchange of observers, annual calendars, etc.), prevention of surpise attacks and others.

106. One delegation stated that the ongoing vertical proliferation of non-strategic nuclear weapons at sea was a matter of grave concern, since their early use in a conflict could be encouraged by the theoretical possibility of using such nuclear weapons in a military encounter at sea, without causing direct damage to civilian life or property. Nuclear weapons intended for targets at sea threatened to lower the nuclear threshold and, consequently, had implications for international security as a whole. It appeared to be commonly recognized that the risks of starting a nuclear war by accident was greater at sea than on land. The objective of naval confidence and security-building measures at sea should be, inter alia, to increase security by diminishing the risks of incidents and confrontations at sea. The delegation considered that the inherent vulnerability of naval units was further enhanced by the lack of an explicit and multilaterally accepted code of conduct for naval vessels, exercising in close proximity at sea. The need for such a multilateral code was shown by the successful implementation of several bilateral agreements on the prevention of incidents at sea. In its

view a multilateral agreement on the prevention of incidents at sea would be one way of meeting a security concern of many States in one legal instrument of a global character. This would increase transparency and contribute to enhancing security at sea. Such an agreement would not replace but supplement existing bilateral agreements. This delegation held that the Conference on Disarmament should, therefore, be entrusted with the task of negotiating a multilateral agreement on the prevention of incidents at sea.

107. The Group of East European and Other States reaffirmed that the prevention of nuclear war was the most urgent task at present. It considered the holding of informal meetings during the 1990 session as a first step towards a distinctive contribution the Conference on Disarmament was expected to make in the field of prevention of a nuclear war. The Group viewed these discussions as an example of the input the changing situation in Europe and the world may have on the future work of the CD in the nuclear field. The Group was convinced that the processes presently unfolding in the two major military alliances and between them shall enhance the perspectives of the CD's work on items 2 and 3 of its agenda. The developments under way in both alliances should bring about the dismantling of security models emanating from the years of cold war. The Group considered that the establishment of a qualitatively new world order cannot be based on suspicion and military confrontation but increasingly on partnership and structures of common security. This message was contained in the documents of the States parties of the Warsaw Treaty (CD/1002) and the North Atlantic Alliance (CD/1006 and CD/1013). The improved international relations have created favourable circumstances for devising new security concepts and establishing the corresponding security structures. One member of this Group stressed that based on the understanding that war can no longer be an effective policy tool, the renunciation of the first use of both nuclear and conventional weapons should therefore be the core of any modern military strategy and doctrine. Unless an effective political mechanism for the elimination of the causes of war is devised, States will inevitably rely on the military factor to ensure their security. The main question was to ensure that armed forces are designed and maintained for the only purpose of countering an aggression without stepping over the delicate line where reliable defence develops into a potential for attack. In determining their defence needs, States should bear in mind that military power beyond certain limits cannot be perceived as defence-oriented and does not serve the purpose of preventing a war as it creates suspicion and tensions, stirs the arms race and raises the probability of a conflict. Likewise, the efforts to obtain or maintain military superiority cannot be viewed as a defence preoccupation. Political declarations of peaceful intentions would not be convincing enough if they were not matched also by corresponding changes in the real structure of the armed forces and the plans for their employment, in the training of military personnel, the types of armaments, location of troops, etc. Here comes the notion of reasonable defence sufficiency - the situation where States have at their disposal only forces necessary for defence and are unable to launch surprise attacks and to carry out large-scale offensive operations. This would require quantitative cuts in armaments and armed forces. A full and global transition to reasonable defence sufficiency will be possible on a

co-operative basis. The elaboration of principles, criteria and parameters of a defence sufficiency is a common task that could be undertaken by the CD. Another delegation noted that as a result of positive changes which had occurred in the world over the last few years, the threat of war has been reduced but nonetheless continued to exist. It recalled the pronouncements made by President Gorbachev and President Reagan in 1985 that nuclear war can never be won and must never be fought. To that end, in the view of this delegation, it was essential to involve all channels - bilateral, regional and mutlilateral, which could strengthen and complement each other, fully realizing the importance of the continuation and further deepening of the Soviet-American dialogue on nuclear problems. It considered that the growth of confidence between nuclear Powers and the reduction of danger for the occurrence of crisis situations could be promoted by the conclusion of an international treaty among all nuclear weapons on measures to reduce the danger of the outbreak of nuclear war. It recalled its proposal submitted at the forty-fourth session of the United Nations General Assembly which included a wide set of unilateral, bilateral and multilateral measures aimed at strengthening confidence-security and strategic stability at all stages of the balanced move towards the minimal levels of nuclear potential until their elimination. At the same time, this delegation considered prevention of nuclear war as a too broad topic of the CD agenda and it suggested to split it into more concrete components and as a result, to get more specific directions of work. It believed that one possible direction could be a discussion of the idea of a multilateral agreement mentioned above, as well as the establishment of national risk reduction centres by all nuclear Powers. One delegation, referring to the new security system, suggested the conclusion in the CSCE framework of a security treaty providing for the creation of a pan-European security union, which could be built on the principles of the United Nations Charter and the Helsinki Final Act, imposing on the parties the obligation to keep the peace among themselves and towards others and to assist each other in case of treaty violations. In the view of this delegation, the parties could also commit themselves to abide by procedures for the settlement of disputes to observe transparency and verification methods in the military field and to give a defensive character to their national security concepts and structures.

108. Two major nuclear-weapon States recalled significant steps they were taking to reduce the risk of war, in particular, nuclear war. They provided information on their bilateral nuclear weapon and space negotiations and presented relevant statements made by these two Governments. They pointed to a Joint Statement issued by the respective Presidents of these two countries on 1 June 1990 on the subject of the negotiations on the Treaty on Strategic Arms, in which both parties recognized the special obligation they bear to reduce the risk of outbreak of nuclear war, enhance strategic stability and strengthen peace and international security.

109. The Western Group, including three nuclear-weapon States, while reaffirming that they had constantly stressed the significance of the nuclear items on the CD agenda continued to believe that the problems of nuclear disarmament and prevention of nuclear war could only be dealt with

satisfactorily in the broader context of prevention of war in general. They reiterated that the question at issue was how to maintain peace and international security in the nuclear age. Narrowing the discussion down only to the problems of nuclear weapons would not do justice to the importance of the objectives. These delegations insisted on a comprehensive approach, which would embrace arms control and disarmament and defence. It was important, therefore, to ensure that inter-relationships between arms control issues and defence requirements and between the various arms control areas, are fully considered. They stressed that this comprehensive approach to the prevention of war was in no way designed to belittle the catastrophic consequences and the inadmissibility of a nuclear war. They underlined the effectiveness of nuclear deterrence in preventing war and preserving peace in Europe since 1945, while noting that millions of casualties have been inflicted around the world in non-nuclear conflicts during the same period. They also observed that deterrence was not only a Western phenomenon; rather, it was a fact of life and a key element in military doctrines. Western delegations further considered that deterrence had made a significant contribution to East-West stability. They shared the views expressed by General Secretary Gorbachev and President Reagan in their joint communiqué of November 1985 about the importance of "preventing any war between them, whether nuclear or conventional" and welcomed in addition their commitment that ultimately the negotiations, just as efforts in general to limit and reduce arms, should lead to the complete elimination of nuclear arms everywhere. They emphasized that that statement reflected the comprehensive nature of the problem and the need to address the question of war prevention in all its aspects. Looking forward to the signing of the START Treaty, they viewed it as a major landmark in both arms control and in the relationship between two major Powers. They shared the opinion that the Treaty results from the recognition by both sides of the special obligation they bear to reduce the risk of outbreak of nuclear war, enhance strategic stability and strengthen peace and international security. Western delegations held that, in the present circumstances, nuclear weapons continued to be a basic element in the balance needed to maintain peace and security. Member States of the North Atlantic Alliance reaffirmed that at present there was no alternative to the strategy of deterrence based on an appropriate mix of adequate and effective nuclear and conventional forces, each element being indispensable. They reaffirmed that the principles of the North Atlantic Alliance security set out in May 1989 in the comprehensive concept of arms control and disarmament (CD/926) remain the basis for their assessment of the implications of the changing situation in Europe for their strategy. At the same time, these countries through their "London Declaration" reiterated that their Alliance would never in any circumstances be the first to use force. They again emphasized that strict compliance by all States with the Charter of the United Nations, in particular the obligation to refrain from the threat or use of force and to settle all disputes by peaceful means, was a key element in the prevention of nuclear war. They also stressed the importance of deep and verifiable reductions of nuclear weapons, but considered that reductions in one class of weapons must not make the use of other types of weapons more probable and that, therefore, in order to maintain stability and security, it was necessary to take into account the threat posed by conventional and chemical weapons. These Western countries highlighted the significant contribution of confidence-building measures to lessening the danger of war, including nuclear war. They noted that although the prevention of war will always remain the fundamental task of the North Atlantic Alliance, the changing European environment now requires of it a broader approach to security, based as much on constructive peace building as on peace keeping. It was also pointed out that the agreements between the nuclear Powers to improve their procedures for direct consultation in times of crisis, made it possible to speak of a very positive trend in the international situation.

110. One nuclear-weapon State, belonging to the Western Group, described nuclear non-proliferation measures as being an equally important part of its policy, together with nuclear arms control negotiations, in preventing all war. This State described its determination to work whole-heartedly for the implementation of the obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Action taken by the State to prevent the illegal export of "capacitors" designed to military specifications and used in the firing circuits of nuclear weapons was described. Episodes of this nature led this State to believe that nuclear proliferation continued to be a danger. This State encouraged all NPT parties, nuclear-weapon States and non-nuclear-weapon States alike, to observe their obligations scrupulously and urged those States not parties to the Treaty to accede to it.

111. One nuclear-weapon State, a member of the Western Group, recalled that its nuclear doctrine has always been and remained designed to prevent any war. That State therefore considered that a moral judgment on that doctrine was unjustified and that it should be assessed only in the light of past, present and future stability. Moreover, recent progress in nuclear disarmament confirmed, in the view of that delegation, the validity of such a doctrine, since, by reducing their redundant arsenals, the two main nuclear Powers sought to strengthen strategic stability and to reinforce the role of nuclear deterrence in making war impossible. As far as the Treaty on the Non-proliferation of Nuclear Weapons was concerned, that State recalled that, although it had not signed it, it applied its provisions. It had decided to ask to be represented as an observer to the Fourth Review Conference of the NPT, to show its interest in the important discussions to be held at that meeting, in particular, in view of the convening in 1995 of a Conference on the future of the Treaty. It would continue to work towards an equitable and stable régime, based on a balance between the non-proliferation of nuclear weapons and a development of civil applications of atomic energy.

112. One nuclear-weapon State not belonging to any Group stressed that the presence of nuclear weapons in the world, even for a single day, calls for the adoption of measures to prevent nuclear war. It reminded the Conference that the limited number of nuclear weapons in its possession was solely for the purpose of self-defence and it had never shirked its responsibility and since the very first day that State had come into possession of nuclear weapons, it had unilaterally undertaken that at no time and under no circumstances would it be the first to use nuclear weapons. It was the view of this delegation that if all countries possessing nuclear weapons undertake not to be the first

to use nuclear weapons, that in itself would be a highly effective measure for the prevention of nuclear war and a powerful impetus to the nuclear disarmament process. The delegation proposed that negotiations should start at the earliest date in the Conference on Disarmament for the conclusion of an international agreement banning the first use of nuclear weapons under agenda item 3, "Prevention of nuclear war". It also held that in the current international circumstances it was high time to consider another important measure for the prevention of nuclear war: all nuclear-weapon States that have deployed nuclear weapons abroad, particularly two major nuclear Powers, should pull back all these weapons to their own territories. In its view this measure would not only help enhance trust among nations and reduce the risk of nuclear war but also promote international efforts towards the prevention of nuclear proliferation. It held that it was the common aspiration of all countries to reduce armaments and diminish the danger of war. To achieve this objective the two major Powers with the largest nuclear arsenals should assume a special responsibility and obligation to take the lead in halting the testing, production and deployment of nuclear weapons and drastically cut all types of nuclear weapons deployed at home and abroad. This delegation reminded the CD that in recent years United Nations special sessions on disarmament, the Summit Meeting of the Movement of Non-Aligned Countries and the General Assembly had all adopted important documents and resolutions on these items, calling on the CD to submit them to serious consideration and negotiation. Giving priority to nuclear items and taking note of preliminary progress in nuclear disarmament, this State also paid attention to the importance and urgency of conventional disarmament. It considered that in the process of conventional disarmament, countries that possessed the largest conventional arsenals should assume a special responsibility. The early conclusion of an agreement between them and other member States of the two major military alliances on drastic conventional force reductions, would contribute to peace and security in Europe and the world as a whole. Meanwhile, all States should be encouraged to make greater efforts and take concrete steps to advance conventional disarmament to the extent that their security and necessary defence capabilities are guaranteed.

D. Chemical Weapons

113. The item on the agenda entitled "Chemical Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 19-30 March and 16-27 July 1990.

114. The list of new documents presented to the Conference under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

115. At its 576th plenary meeting on 24 August 1990, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 535th plenary meeting (see para. 9 above). That report (CD/1033) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 535th plenary meeting on 15 February 1990 the Conference on Disarmament adopted the following decision on the re-establishment of the *Ad Hoc* Committee on Chemical Weapons (CD/968):

> 'The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest possible date, in accordance with United Nations General Assembly resolutions 44/115 A and B, and in discharging its responsibility to conduct as a priority task the negotiations on a multilateral Convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, decides to re-establish, in accordance with its rules of procedure, for the duration of its 1990 session, the *Ad Hoc* Committee to continue the full and complete process of negotiations, developing and working out the convention, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible. This agreement, if possible, or a report on the progress of the negotiations, should be recorded in the report which this *Ad Hoc* Committee will submit to the Conference at the end of the second part of its 1990 session.'

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At its 535th plenary meeting on 15 February 1990, the Conference on Disarmament appointed Ambassador Carl-Magnus Hyltenius of Sweden as Chairman of the *Ad Hoc* Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer, Department for Disarmament Affairs, continued to serve as Secretary of the *Ad Hoc* Committee, assisted by Ms. Agnès Marcaillou, Political Affairs Officer, Department for Disarmament Affairs.

"3. The *Ad Hoc* Committee held 15 meetings from 21 February to 10 August 1990. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following States not members of the Conference participated in the work of the *Ad Hoc* Committee: Austria, Bahrain, Bangladesh, Cameroon, Chile, Denmark, Democratic People's Republic of Korea, Finland, Ghana, Greece, Holy See, Honduras, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Senegal, Spain, Sudan, Syrian Arab Republic, Switzerland, Tunisia, Turkey, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

"5. During the 1990 session, the following official documents dealing with chemical weapons were presented to the Conference on Disarmament.

- CD/958, dated 23 January 1990, submitted by the delegation of Egypt, entitled 'Report on the national trial inspection'.

- CD/960 (also issued as CD/CW/WP.274), dated 1 February 1990, submitted by the delegation of France, entitled 'Second national trial inspection'.

- CD/961, dated 1 February 1990, entitled 'Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 16 January to 1 February 1990'.

- CD/966 (also issued as CD/CW/WP.275), dated 14 February 1990, submitted by the delegation of the Union of Soviet Socialist Republics, entitled 'Experimental challenge inspection at a military installation'.

- CD/968, dated 15 February 1990, entitled 'Decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons'.

- CD/969 (also issued as CD/CW/WP.277), dated 19 February 1990, submitted by the delegation of Hungary, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/970, dated 20 February 1990, entitled 'Letter dated 16 February 1990 from the Chargé d'Affaires of the Libyan Arab Jamahiriya addressed to the President of the Conference on Disarmament transmitting a statement issued by the People's Committee for Foreign Liaison and International Cooperation in Tripoli on 13 February 1990'.

- CD/971, dated 20 February 1990, entitled 'Letter dated 15 February 1990 from the Permanent Representative of Austria addressed to the Secretary-General of the Conference on Disarmament transmitting a document containing additional information on Austrian production data relevant to the future Chemical Weapons Convention'.

- CD/972, dated 21 February 1990, entitled 'Letter dated 12 February 1990 from the Permanent Representative of Austria addressed to the Secretary-General of the Conference on Disarmament transmitting an aide memoire on the Austrian offer to host the Organization for the Prohibition of Chemical Weapons in Vienna'.

- CD/973, dated 23 February 1990, entitled 'Letter dated 20 February 1990 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting documents from the Wyoming and Moscow Meetings between the United States Secretary of State James A. Baker, III and Union of Soviet Socialist Republics Foreign Minister Eduard A. Shevardnadze'.

- CD/974, dated 23 February 1990, entitled 'Letter dated 20 February 1990 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting documents from the Wyoming and Moscow Meetings between the Union of Soviet Socialist Republics Foreign Minister Eduard A. Shevardnadze and United States Secretary of State James A. Baker, III'.

- CD/975 (also issued as CD/CW/WP.278), dated 9 March 1990, submitted by the delegation of the Federal Republic of Germany, entitled 'Report on a trial challenge inspection'.

- CD/980, dated 27 March 1990, submitted by the delegation of Czechoslovakia, entitled 'List of experts and laboratories for examination and analyses in the event of an investigation of reports of possible use of chemical, bacteriological (biological) or toxin weapons'.

- CD/982, dated 30 March 1990, submitted by the delegation of Yugoslavia, entitled 'Report on the national trial inspection'.

- CD/983 (also issued as CD/CW/WP.283), dated 5 April 1990, submitted by the delegation of the Federal Republic of Germany, entitled 'Report on the second trial inspection (challenge inspection) in the Federal Republic of Germany'.

- CD/984 (also issued as CD/CW/WP.284), dated 10 April 1990, submitted by the delegation of the Federal Republic of Germany, entitled '*Ad Hoc* verification: the establishment of national registers'.

- CD/985 (also issued as CD/CW/WP.289), dated 17 April 1990, submitted by the delegation of Poland, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/987 (also issued as CD/CW/WP.290), dated 19 April 1990, submitted by the delegation of Canada, entitled 'National trial inspection at a single small-scale facility'.

- CD/988 (also issued as CD/CW/WP.291), dated 20 April 1990, entitled 'Letter dated 19 April 1990 from the Permanent Mission of India addressed to the Secretary-General of the Conference on Disarmament transmitting a document entitled "Report of the national trial inspection conducted by India"'.

- CD/991, dated 25 April 1990, entitled 'Letter dated 23 April 1990 from the Permanent Mission of Denmark addressed to the secretariat of the Conference on Disarmament transmitting documentation concerning multilateral data exchange prior to the signing of a chemical weapons convention'.

- CD/992, dated 25 April 1990, 'Letter dated 23 April 1990 from the Deputy Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting compendia on chemical weapons comprising plenary statements and working papers from the 1989 session of the Conference on Disarmament'.

- CD/993, dated 26 April 1990, entitled 'Letter dated 23 April 1990 from the Deputy Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting a report entitled "Verification methods, handling and assessment of unusual events in relation to allegations of the use of novel chemical warfare agents"'.

- CD/994, dated 30 April 1990, entitled 'Letter dated 23 April 1990 from the Deputy Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting a document entitled "Role and function of a national authority in the implementation of a chemical weapons convention"'.

- CD/996 (also issued as CD/CW/WP.292), dated 12 June 1990, submitted by the delegation of the German Democratic Republic, entitled 'Report on a Trial Challenge Inspection in a Chemical Industry Plant'.

- CD/997 (also issued as CD/CW/WP.293), dated 12 June 1990, submitted by the delegation of the German Democratic Republic, entitled 'Inspection Methodology for Challenge Inspections in Industrial Chemical Plants'.

- CD/998 (also issued as CD/CW/WP.294), dated 12 June 1990, submitted by the delegation of the German Democratic Republic, entitled 'Application of Trace Analysis to Exploit Memory Effects in Challenge Inspections'.

- CD/999 (also issued as CD/CW/WP.295), dated 12 June 1990, submitted by the delegation of Austria, entitled 'Report on a National Trial Inspection'.

- CD/1000, dated 12 June 1990, entitled 'Letter dated 12 June 1990 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting the text of the agreement between the Union of Soviet Socialist Republics and the United States of America on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons, the agreed statement in connection with this agreement and the USSR-US joint statement on non-proliferation'.

- CD/1001, dated 12 June 1990, entitled 'Letter dated 12 June 1990 from the Acting Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the text of the agreement between the United States of America and the Union of Soviet Socialist Republics on the destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons, the agreed statement in connection with this agreement and the US-USSR joint statement on non-proliferation'.

- CD/1008 (also issued as CD/CW/WP.298), dated 26 June 1990, submitted by the delegation of Norway, entitled 'Use of sorbent extraction in verification of alleged use of chemical weapons'.

- CD/1009, dated 5 July 1990, entitled 'Letter dated 4 July 1990 from the Permanent Representative of Finland addressed to the Secretary-General of the Conference on Disarmament transmitting the latest volume of the Blue Book series on Verification of Chemical Disarmament, entitled "International Interlaboratory Comparison (Round-Robin) Test, F.1 Testing of Existing Procedures"'.

- CD/1012 (also issued as CD/CW/WP.304), dated 11 July 1990, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Verification of the Chemical Weapons Convention: Practice Challenge Inspections of Government Facilities: Analysis of Results'.

- CD/1014/Rev.1 (also issued as CD/CW/WP.305/Rev.1), dated 16 July 1990, submitted by the delegation of Romania, entitled 'Data relevant to the Chemical Weapons Convention'.

- CD/1017, dated 19 July 1990, submitted by the delegation of Bulgaria, entitled 'Submission of data in connection with the Convention on the Prohibition of Chemical Weapons'.

- CD/1018 (also issued as CD/CW/WP.307), dated 19 July 1990, submitted by the delegation of the Netherlands, entitled 'Report on a Trial Challenge Inspection'.

- CD/1019, dated 23 July 1990, entitled 'Letter dated 20 July 1990 from the Chargé d'Affaires a.i. of Norway addressed to the President of the Conference on Disarmament transmitting a research report entitled "Use of sorbent extraction in verification of alleged use of chemical warfare agents: Part IX"'.

- CD/1020 (also issued as CD/CW/WP.310), dated 26 July 1990, submitted by the delegation of the German Democratic Republic, entitled 'Report on a trial challenge inspection'.

- CD/1021 (also issued as CD/CW/WP.311), dated 26 July 1990, submitted by the delegation of the Czech and Slovak Federal Republic, entitled 'Report on a trial challenge inspection at a chemical facility'.

- CD/1022 (also issued as CD/CW/WP.312), dated 26 July 1990, submitted by the delegation of the Czech and Slovak Federal Republic, entitled 'Report on a trial challenge inspection at a military facility'.

- CD/1024 (also issued as CD/CW/WP.313), dated 31 July 1990, submitted by the delegation of Peru, entitled 'New article of a convention on chemical weapons relating to the environment'.

- CD/1025 (also issued as CD/CW/WP.314), dated 31 July 1990, submitted by the delegation of Peru, entitled 'Proposal for the inclusion in the Chemical Weapons Convention of an Article on "Duration"'.

- CD/1026 (also issued as CD/CW/WP.315), dated 3 August 1990, submitted by the delegation of the Federal Republic of Germany, entitled 'Chemical Weapons Verification Workshop, Munster, 14-15 June 1990'.

- CD/1029 (also issued as CD/CW/WP.318), dated 8 August 1990, submitted by the delegation of France, entitled 'Report on a trial challenge inspection'.

- CD/1030/Rev.1 (also issued as CD/CW/WP.319/Rev.1), dated 8 August 1990, submitted by the delegation of Canada, entitled 'Report on a national trial inspection'.

- CD/1031 (also issued as CD/CW/WP.320), dated 10 August 1990, submitted by the delegation of China, entitled 'Fundamental position and propositions on challenge inspection'.

"6. In addition, the following Working Papers were presented to the Ad Hoc Committee:

- CD/CW/WP.264, dated 21 November 1989, submitted by the delegation of the Union of Soviet Socialist Republics, entitled 'Submission of data relevant to the convention on the prohibition of chemical weapons'.

- CD/CW/WP.265, dated 11 December 1989, submitted by the delegation of the United States of America, entitled 'Demilitarization and disposal of U.S. chemical warfare agent and munitions'.

- CD/CW/WP.266, dated 11 December 1989, submitted by the delegation of the United States of America, entitled 'Sample preparation, preservation, security and transportation under the Chemical Weapons Convention'.

- CD/CW/WP.267, dated 11 December 1989, submitted by the delegation of the United States of America, entitled 'The use of instruments in chemical process monitoring or demilitarization of chemical weapons'.

- CD/CW/WP.268, dated 13 December 1989, submitted by the delegation of the United States of America, entitled 'Use of satellite network for collection of data from facilities'.

- CD/CW/WP.269, dated 12 January 1990, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Instrumental approaches to non-intrusive analytical techniques for inspection and verification'.

- CD/CW/WP.270, dated 18 January 1990, submitted by the delegation of Switzerland, entitled 'Verification of a treaty on a chemical weapons ban: chances and limits of process monitoring'.

- CD/CW/WP.271, dated 18 January 1990, submitted by the delegation of the Netherlands, entitled 'The role of military detection and monitoring equipment for the verification of non-production of chemical weapons'.

- CD/CW/WP.272, dated 22 January 1990, entitled 'Report of the Technical Group on Instrumentation'.

- CD/CW/WP.273, dated 30 January 1990, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament'.

- CD/CW/WP.274 (also issued as CD/960).

- CD/CW/WP.275 (also issued as CD/966).

- CD/CW/WP.276, dated 19 February 1990, entitled 'Working Paper presented by the Chairman of the Ad Hoc Committee: "Organisation of Work for the 1990 Session"'.

- CD/CW/WP.277 (also issued as CD/969).

- CD/CW/WP.278 (also issued as CD/975).

- CD/CW/WP.279, dated 15 March 1990, submitted by the delegation of Canada, entitled 'Thiodiglycol'.

- CD/CW/WP.280, dated 16 March 1990, submitted by the delegation of Sweden, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/CW/WP.281, dated 16 March 1990, submitted by the delegation of Japan, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/CW/WP.282, dated 16 March 1990, submitted by the Western Group, entitled 'Technical Support for the Chairman of the Ad Hoc Committee'.

- CD/CW/WP.283 (also issued as CD/983).

- CD/CW/WP.284 (also issued as CD/984).

- CD/CW/WP.285, dated 10 April 1990, submitted by the delegation of Norway, entitled 'Report on a national trial inspection of an industrial chemical facility'.

- CD/CW/WP.286, dated 11 April 1990, submitted by the delegation of Australia, entitled 'Ad hoc verification: discussion paper'.

- CD/CW/WP.287, dated 11 April 1990, submitted by the delegation of Italy, entitled 'Production capacity'.

- CD/CW/WP.288, dated 11 April 1990, submitted by the delegations of Australia; Canada; Finland; France; Germany, Federal Republic of; the Netherlands; Norway; Sweden; Switzerland; and the United Kingdom of Great Britain and Northern Ireland, entitled 'International Interlaboratory Comparison (Round Robin) Test'.

- CD/CW/WP.289 (also issued as CD/985).

- CD/CW/WP.290 (also issued as CD/987).

- CD/CW/WP.291 (also issued as CD/988).

- CD/CW/WP.292 (also issued as CD/996).

- CD/CW/WP.293 (also issued as CD/997).

- CD/CW/WP.294 (also issued as CD/998).

- CD/CW/WP.295 (also issued as CD/999).

- CD/CW/WP.296, dated 18 June 1990, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Addition of Chemicals to the Schedules'.

- CD/CW/WP.297, dated 20 June 1990, submitted by the delegation of Finland, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/CW/WP.298 (also issued as CD/1008).

(- CD/CW/WP.299: withdrawn).

- CD/CW/WP.300, dated 27 June 1990, submitted by the delegation of the United States of America, entitled 'Revisions to Article VI, Permitted Activities'.

- CD/CW/WP.301, dated 27 June 1990, submitted by the delegation of the United States of America, entitled 'Report on the Second United States Trial Inspection Exercise'.

- CD/CW/WP.302, dated 28 June 1990, submitted by the delegation of the Netherlands, entitled 'Analytical chemical results of the second trial inspection on verification of non-production of chemical warfare agents in a civil chemical industry in the Netherlands'.

- CD/CW/WP.303, dated 28 June 1990, submitted by the delegations of the Union of Soviet Socialist Republics and the United States of America, entitled 'Proposed Revisions to the Rolling Text'.

- CD/CW/WP.304 (also issued as CD/1012).

- CD/CW/WP.305/Rev.1 (also issued as CD/1014/Rev.1).

- CD/CW/WP.306, dated 17 July 1990, entitled 'Report of the Technical Group on Instrumentation'.

- CD/CW/WP.307 (also issued as CD/1018).

- CD/CW/WP.308, dated 19 July 1990, submitted by the delegation of the Netherlands, entitled 'Criteria for confirmation of chemical warfare agents identification'.

- CD/CW/WP.309, dated 25 July 1990, submitted by the delegation of Switzerland, entitled 'National trial inspection (documents and annexes to CD/CW/WP.247)'.

- CD/CW/WP.310 (also issued as CD/1020).

- CD/CW/WP.311 (also issued as CD/1021).

- CD/CW/WP.312 (also issued as CD/1022).

- CD/CW/WP.313 (also issued as CD/1024).

- CD/CW/WP.314 (also issued as CD/1025).

- CD/CW/WP.315 (also issued as CD/1026).

- CD/CW/WP.316, dated 6 August 1990, entitled 'Chairman's Summary of the 1990 open-ended consultations on Article IX'.

- CD/CW/WP.317, dated 6 August 1990, entitled 'Draft Report of the *Ad Hoc* Committee on Chemical Weapons to the Conference on Disarmament'.

- CD/CW/WP.318 (also issued as CD/1029).

- CD/CW/WP.319/Rev.1 (also issued as CD/1030/Rev.1).

- CD/CW/WP.320 (also issued as CD/1031).

"III. SUBSTANTIVE WORK DURING THE 1990 SESSION

"7. In accordance with its mandate, the *Ad Hoc* Committee continued the negotiation and further elaboration of the convention. In so doing, it utilized Appendices I and II of CD/961 (Report of the *Ad Hoc* Committee on Chemical Weapons on its work during the period 16 January to 1 February 1990), as well as other proposals presented by the Chairman of the Committee, the Chairmen of the Working Groups and by delegations.

"8. In discharging its mandate, the Ad Hoc Committee decided to set up the following three Working Groups:

"(a) Working Group A: Verification issues
Chairmen: Mr. Georges Lamazière, Brazil (21 February-25 March 1990)
Mr. Johan Molander, Sweden (26 March-27 April 1990)
Mr. Shahbaz, Pakistan (from 12 June 1990)

- The Protocol on Inspection Procedures and its relationship with the Annexes to Articles IV, V and VI.
- Ad hoc verification measures.
- Verification of alleged use of chemical weapons.

"(b) Working Group B: Technical issues
Chairman: Mr. Arend Meerburg, The Netherlands

- Articles IV and V and their Annexes, in particular the order of destruction.
- Schedules.
- Guidelines for Schedule 1.
- Definitions.
- Toxicity, thresholds, production capacity.

"(c) Working Group C: Legal and institutional issues
Chairman: Dr. Walter Krutzsch, German Democratic Republic

- Amendments.
- Other final clauses, including the settlement of disputes.
- Sanctions.
- The Organization.

"9. The Chairman of the Committee dealt with the following issues in private and open-ended consultations:

- Article IX.
- "Undiminished security and universal adherence to the Convention".

- Functions, composition and decision-making process of the Executive Council.

- Article XI, Economic and Technological Development.

"10. In addition, three Friends of the Chair were appointed to deal with the following specific issues in open-ended consultations:

"(a) Article X on 'Assistance and Protection against Chemical Weapons': (Ambassador Roberto García-Moritán, Argentina)

"(b) 'Old chemical weapons': (Ambassador Pierre Morel, France)

"(c) 'Jurisdiction and control': (Ambassador David Reese, Australia)

"11. Furthermore, the Committee decided to re-establish the Technical Group on Instrumentation, chaired by Dr. Marjatta Rautio of Finland. The Group dealt with the issue of verification by instruments and other technical means in the absence of a facility agreement, with special emphasis on detection devices, sampling equipment, types of samples, transport of samples to an off-site laboratory, on-site analyses, use of a mobile laboratory, novel agents, non-destructive measurement technology and instrumental data bases. The Report of the Group is contained in document CD/CW/WP.306.

"12. During the period 27-29 June 1990, the Committee held a number of meetings with representatives from the chemical industry on the following subjects of relevance to the Convention: (a) protection of confidential information; (b) technical aspects of the Convention, in particular the contents of the schedules of chemicals together with their verification régimes; (c) ad hoc verification; and (d) possible conclusions to be derived from national trial inspections carried out so far.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"13. The results of the work undertaken during the 1990 session are reflected in the up-dated versions of the Appendices to CD/961, attached hereto. Appendix I to this Report represents the present stage of elaboration of the provisions of the Draft Convention. Appendix II contains papers reflecting the results of work undertaken so far on issues under the Convention. They are included as a basis for future work.

"14. The Ad Hoc Committee recommends to the Conference on Disarmament:

"(a) that Appendix I to this Report be used for further negotiation and drafting of the Convention;

"(b) that other documents reflecting the results of the work of the *Ad Hoc* Committee, as contained in Appendix II to this report, together with other relevant present and future documents of the Conference, also be utilized in the further negotiation and elaboration of the Convention;

"(c) that work on the Convention, under the Chairmanship of Ambassador Carl-Magnus Hyltenius of Sweden be resumed as follows:

(i) that in preparation for the resumed session, open-ended consultations of the *Ad Hoc* Committee be held between 26 November and 21 December 1990 including, when necessary, meetings with full services;

(ii) that the *Ad Hoc* Committee hold a session of limited duration during the period 8 to 18 January 1991;

"(d) that the *Ad Hoc* Committee be re-established at the outset of the 1991 session of the Conference on Disarmament and that the decision on the mandate and chairmanship for 1991 be taken at the beginning of the Conference in 1991.

"Table of Contents

"APPENDIX I

Page

"Preliminary structure of a Convention on Chemical Weapons 75

"Preamble 76

"Articles:

- Article I General provisions on scope 77
- Article II Definitions and criteria 79
- Article III Declarations 83
- Article IV Chemical weapons 85
- Article V Chemical weapons production facilities 88
- Article VI Activities not prohibited by the Convention ... 91
- Article VII National implementation measures 93
- Article VIII The Organization 94
- Article IX Consultations, co-operation and fact-finding .. 103
- Article X Assistance and protection against chemical weapons 105
- Article XI Economic and technological development 105
- Article XII Relation to other international agreements 105
- Article XIII Amendments 105
- Article XIV Duration and withdrawal 107
- Article XV Signature 108
- Article XVI Ratification 108
- Article XVII Accession 108
- Article XVIII Depositary 108

"Table of Contents (continued)

Page

"Articles: (continued)

- Article XIX Entry into force 109
- Article XX Languages and authentic texts 109
- Settlement of disputes 110

"Annexes

- Annex on Chemicals 114
- Annex on the Protection of Confidential Information 133
- Annex to Article III 139
- Annex to Article IV 141
- Annex to Article V 160
- Annex 1 to Article VI 178
- Annex 2 to Article VI 186
- Annex 3 to Article VI 194

"Other documents:

Preparatory Commission 198
Addendum to Appendix I: Protocol on Inspection Procedures 201

"Table of Contents

"APPENDIX II

"This Appendix contains papers reflecting results of work undertaken on issues under the Convention. They are enclosed to serve as a basis for future work.

Page

"Jurisdiction and control 243

"Old chemical weapons 245

"Possible factors identified to determine the number, intensity, duration, timing and mode of inspections of facilities handling Schedule 2 chemicals 247

"*Ad hoc* verification 248

"Models for Agreements 250

"A. Model for an agreement relating to facilities producing, processing or consuming chemicals listed in Schedule 2 250

"B. Model for an agreement relating to single small-scale facilities 257

"C. Model for an agreement relating to chemical weapons storage facilities 262

"Outcome of the 1989 open-ended consultations on the Executive Council. 267

"Classification system of confidential information 270

"Outcome of the 1989 open-ended consultations on Article IX, Part 2: On-site inspection on challenge 272

"Article X, Assistance and protection against chemical weapons 276

"Article XI, Economic and technological development 280

"Article XII, Relation to other international agreements 281

"Measures to redress a situation and to ensure compliance 282

"Reservations 284

"Table of contents (continued)

Page

"Status of Annexes 284

"Material on the Preparation Period 285

"Other documents:

- Document CD/CW/WP.303, submitted by the USSR and the USA, entitled 'Proposed Revisions to the Rolling Text' 297
- Statement by the Group of 21 on the 'Proposed Revisions to the Rolling Text' 299
- Document CD/1025 (also issued as CD/CW/WP.314) submitted by Peru, entitled 'Proposal for the inclusion in the Chemical Weapons Convention of an Article on "Duration"' ... 301

"APPENDIX I

"Preliminary structure of a Convention on chemical weapons

"Preamble

"I. General provisions on scope

"II. Definitions and criteria

"III. Declarations

"IV. Chemical weapons

"V. Chemical weapons production facilities

"VI. Activities not prohibited by the Convention

"VII. National implementation measures

"VIII. The Organization

"IX. Consultations, co-operation and fact finding

"X. Assistance and protection against chemical weapons

"XI. Economic and technological development

"XII. Relation to other international agreements

"XIII. Amendments

"XIV. Duration and withdrawal

"XV. Signature

"XVI. Ratification

"XVII. Accession

"XVIII. Depositary

"XIX. Entry into force

"XX. Languages and authentic texts

"Annexes and other documents

"Preamble 1/

"The States Parties to this Convention,

"Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

"Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

"Recalling that the General Assembly of the United Nations Organization has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

"Recognizing that the Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 17 June 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

"Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

"Determined for the sake of all mankind, to completely exclude the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of June 1925,

"Considering that the achievements in the field of chemistry should be used exclusively for the benefit of mankind,

"Convinced that the complete and effective prohibition of the development, production and stockpiling of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives.

"Have agreed as follows:

"1/ Some delegations consider that the texts contained in the Preamble require further consideration.

"I. GENERAL PROVISIONS ON SCOPE 1/ 2/ 3/

"1. Each State Party undertakes not to:

- develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone.

"2. Each State Party undertakes not to:

- assist, encourage or induce, in any way, anyone to engage in activities prohibited to Parties under this Convention.

"1/ One delegation pointed out, the preoccupying effects, in its view, on the security of States deriving from the very large disproportion, during the transitional period, between existing chemical weapons capabilities.

"2/ Other delegations believed that the problem of disproportion between chemical weapons capabilities can be solved through their levelling out by a certain time after the entry into force of the Convention.

"3/ The view was expressed that the provisions of this Article, as they are directly related to the universality of the Convention, should be taken in connection with Articles on Chemical Weapons and Duration. In this regard, document CD/CW/WP.314 contained in the 'Other Documents' Section of Appendix II, proposes that the Convention shall be permanent in character and shall continue in force indefinitely. It also states that the obligations flowing from the Convention shall cease for States Parties not possessing chemical weapons if, 90 days after the completion of the period of destruction, the Organization could not declare that all the States Parties have carried out their obligations specified in Article I. On the other hand, the destruction of chemical weapons should take into account provisions relating to the environment as proposed in document CD/CW/WP.313.

"3. Each State Party undertakes not to use chemical weapons. 1/ 2/

"4. [Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]

"5. Each State Party undertakes to destroy chemical weapons which are in its possession or under its [jurisdiction or] control. 3/ 4/

"6. Each State Party undertakes to destroy chemical weapons production facilities which are in its possession or under its [jurisdiction or] control.

"1/ It is understood that this provision is closely linked to the definition of chemical weapons in another part of the Convention, the final formulation of which is yet to be agreed upon. It is also understood that this provision does not apply to the use of toxic chemicals and their precursors for permitted purposes still to be defined and to be provided for in the Convention. This provision is also closely linked to a provision in the Convention to be agreed upon relating to reservations.

"2/ The question of herbicides was subject to earlier consultations. The 1986 Chairman of these open-ended consultations has suggested the following formulation for a provision on herbicides: 'Each State Party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides'.

"3/ The view was expressed that the application of this provision to the destruction of discovered old chemical weapons needs to be further discussed. Another view was expressed that the application of this provision does not allow for any exceptions. The outcome of consultations carried out during the 1990 session on the issue of old chemical weapons is contained in Appendix II.

"4/ During the 1990 session, consultations were carried out on the issue of Jurisdiction and Control, the results of which are contained in Appendix II.

"II. DEFINITIONS AND CRITERIA

"For the purposes of this Convention:

"1.1/ The term 'Chemical Weapons' shall apply to the following, together or separately: 2/

"(i) Toxic Chemicals [, including super-toxic lethal chemicals, other lethal chemicals and harmful chemicals], and their Precursors [(including key precursors and key components of binary and/or multicomponent chemical systems for chemical weapons),][as well as other chemicals intended to enhance the effect of the use of those weapons,] except such chemicals intended for Purposes Not Prohibited Under the Convention, as long as the tynes and quantities involved are consistent with such purposes;

"(ii) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals, as referred to above, which would be released as a result of the employment of such munitions and devices;

"(iii) any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

- [The term 'Chemical Weapons' shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are approved by the Conference of the States Parties for use by a Party for domestic law enforcement and domestic riot control purposes.]

"1/ The definitions of chemical weapons are presented on the understanding that problems related to irritants used for law enforcement and riot control, and also to chemicals intended to enhance the effect of the use of chemical weapons if their inclusion in the Convention is agreed could be handled outside the definitions of chemical weapons if this will result in a more clear and understandable definition. Preliminary suggestions to solve these problems are given below and consultations on them will be continued.

"2/ One delegation expressed its reservation on the present formulation of the definition of chemical weapons and on the terminology used in (i) that failed to reflect the general purpose criterion.

"2. 'Toxic Chemical' means:

any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans and animals. 1/ This includes all such chemicals, regardless of their origin or method of production and, regardless of whether they are produced in facilities, in munitions or elsewhere.

"3. 'Precursor' means:

a chemical reagent which takes part in the production of a toxic chemical.

[For the purpose of implementing this Convention, toxic chemicals and their precursors identified for monitoring are listed in Schedules contained in the Annex on Chemicals.]

"4. 'Chemical Weapons Production Facility':

"(a) means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:

"(i) as part of the stage in the production of chemicals ('final technological stage') where the material flows would contain, when the equipment is in operation

"(1) any Schedule 1 chemical, or

"1/ The question of herbicides was subject to earlier consultations. The 1986 Chairman of these open-ended consultations suggested the following formulation for a provision on herbicides: 'Each State Party undertakes not

"(2) any other chemical that

- has no use, above [1] tonne per year, for Purposes Not Prohibited Under the Convention, but
- can be used for chemical weapons purposes; 1/ 2/;

or

"(ii) for filling Chemical Weapons, including, inter alia, the filling of Schedule 1 chemicals into munitions, devices or bulk storage containers; the filling of chemicals into containers which form part of assembled binary munitions and devices and into chemical submunitions which form part of assembled unitary munitions and devices; and the loading of the containers and chemical submunitions into the respective munitions and devices;

"(b) does not include any facility with an annual capacity for synthesis of chemicals specified in subparagraph (a) (i) above that is less than [1-2] tonne; (Alternative: does not include any facility for synthesis of chemicals specified in subparagraph (a) (i) above with reaction vessels in production lines not configured for continuous operation and in which the volume of the reaction vessels does not exceed [100] litres while the total volume of all reaction vessels with a volume exceeding [5] litres is not more than [500] litres.)

"(c) does not include the single small-scale facility provided under Annex 1 to Article VI of the Convention.

"1/ Any such chemical should be included in a relevant Schedule of chemicals in the Convention.

2/ A proposal was made to the effect that the definition would not include any facility at which a chemical defined under subparagraph (a) (i) (2) above is produced as an unavoidable by-product in the manufacture of a chemical which has a use for Purposes Not Prohibited Under the Convention. Such a facility should be subject to the declarations and the verification provisions provided for under Annex 2 to Article VI, and the by-products defined under subparagraph (a) (i) (2) above should be destroyed under international verification. This proposal needs further consideration.

"5. 'Purposes Not Prohibited Under the Convention' means:

"(a) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes, domestic law enforcement and riot control purposes; and military purposes not connected with the use of chemical weapons;

"(b) protective purposes, namely those purposes directly related to protection against chemical weapons.

"6. 'Production Capacity' means:

the annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or, in the case of processes not yet operational, planned to be used at the facility;

for the purpose of the Convention, the production capacity is taken to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, demonstrated by (a) test-run(s). The design capacity is the corresponding theoretically calculated product output.

"III. DECLARATIONS 1/ 2/

"1. Each State Party shall submit to the Organization, not later than 30 days after the Convention enters into force for it, the following declarations:

"(a) Chemical Weapons 3/ 4/

"(i) whether it has any chemical weapons under its jurisdiction or control anywhere;

"(ii) whether it has on its territory any chemical weapons under the jurisdiction or control of others, including a State not Party to the Convention;

"(iii) whether it has transferred or received any chemical weapons and whether it has transferred to or received from anyone the control over such weapons since 1 January 1946.

"(b) Chemical Weapons Production Facilities

"(i) whether it has or has had any chemical weapons production facilities under its jurisdiction or control anywhere;

"(ii) whether it has or has had any chemical weapons production facilities on its territory under the jurisdiction or control of others, including a State not Party to this Convention;

"1/ A view was expressed that the need for this Article and its Annex requires further consideration.

"2/ The view was expressed that, in light of the objective of the Convention, namely, the complete prohibition and thorough destruction of all chemical weapons, further consideration is needed on all aspects of chemical weapons relevant to this Article, including provisions concerning the old chemical weapons abandoned on the territories of other States.

"3/ It was proposed that States Parties should declare whether they have discovered any chemical weapons abandoned, stockpiled or otherwise left by other States Parties on their territories without their consent or knowledge; and whether they have abandoned, stockpiled or otherwise left chemical weapons on the territories of other States during and/or since World War II.

"4/ The question of old chemical weapons was subject to consultations during the 1990 session. The outcome of these consultations can be found in Appendix II.

"(iii) whether it has transferred or received any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since 1 January 1946, and whether it has transferred to, or received from, anyone the control of such equipment [and documentation].

"(c) Other declarations

"The precise location, nature and general scope of activities of any facility and establishment 1/ on its territory or under its jurisdiction or under its control anywhere designed, constructed or used since [1 January 1946] for development of chemical weapons, *inter alia*, laboratories and test and evaluation sites.

"2. Each State Party making affirmative statements in regard to any of the provisions under subparagraphs 1 (a) and 1 (b) of this Article shall carry out all relevant measures envisaged in any or all of Articles IV and V.

"1/ The scope of the phrase 'any facility and establishment' is to be clarified and an appropriate formulation found.

"IV. CHEMICAL WEAPONS 1/

"1. The provisions of this Article and its Annex shall apply to any and all chemical weapons 2/ under the jurisdiction or control of a State Party, regardless of location, including those on the territory of another State.

"2. Each State Party, within 30 days after the Convention enters into force for it, shall submit a declaration which:

"(a) specifies the precise location, aggregate quantity and detailed inventory of any chemical weapons under its jurisdiction or control;

"(b) reports any chemical weapons on its territory under the jurisdiction or control of others, including a State not Party to this Convention;

"(c) specifies any transfer or receipt by the State Party of any chemical weapons since 1 January 1946 or any transfer of control by that State Party of such weapons; and

"(d) provides its general plan for destruction of its chemical weapons.

"3. Each State Party shall, immediately after the declaration under paragraph 2 of this Article has been submitted, provide access to its chemical weapons for the purpose of systematic international on-site verification of the declaration through on-site inspection. Thereafter, each State Party shall ensure, through access to its chemical weapons for the purpose of systematic international on-site verification and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a destruction facility.

"1/ The view was expressed that the provisions of this Article, as they are directly related to the universality of the Convention, should be taken in connection with Articles on Scope and Duration. In this regard, document CD/CW/WP.314 contained in the 'Other Documents' Section of Appendix II, proposes that the Convention shall be permanent in character and shall continue in force indefinitely. It also states that the obligations flowing from the Convention shall cease for States Parties not possessing chemical weapons if, 90 days after the completion of the period of destruction, the Organization could not declare that all the States Parties have carried out their obligations specified in Article I. On the other hand, the destruction of chemical weapons should take into account provisions relating to the environment as proposed in document CD/CW/WP.313.

"2/ The issue concerning the destruction of the chemical weapons abandoned, stockpiled or otherwise left over on the territory of a State Party by another State Party or State, without the consent or knowledge of the former, needs to be considered and resolved.

"4. Each State Party shall submit detailed plans for the destruction of chemical weapons not later than six months before each destruction period begins. The detailed plans shall encompass all stocks to be destroyed during the next coming period, and shall include the precise location and the detailed composition of the chemical weapons which are subject to destruction during that period.

"5. Each State Party undertakes to co-operate [,as appropriate,] with other States Parties that request information or assistance on a bilateral basis or through the Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons. 1/

"6. Each State Party shall:

"(a) destroy all 2/ chemical weapons pursuant to the order of destruction specified in the Annex to Article IV, beginning not later than one year from the date the Convention enters into force for it, and finishing not later than 10 years after the Convention enters into force; however, a State party is not precluded from destroying its chemical weapons at a faster pace; 3/

"1/ This provision will need to be further considered once the number of States Parties possessing chemical weapons becomes clearer.

"2/ The issue concerning the destruction of the chemical weapons abandoned, stockpiled or otherwise left over on the territory of a State Party by another State Party or State, without the consent or knowledge of the former, needs to be considered and resolved.

"3/ Some delegations noted the need to provide for universality of the Convention in connection with the concern that, in light of national security interests, if States Parties are to fully destroy their chemical weapons, they must make sure that other States would not still pose a chemical weapons threat. In this regard, document CD/CW/WP.303, which is contained in the 'Other Documents' Section of Appendix II, proposes that a Special Conference be held at the end of the eighth year after the entry into force of the Convention pursuant to Article VIII, to consider the question of the participation in the Convention at that time, and to take a decision as to whether the participation in the Convention is sufficient for proceeding to the total elimination of all remaining chemical weapon stocks over the subsequent two years.

"The Group of 21 has objected to the proposals contained in document CD/CW/WP.303. The Group of 21 considers that universal adherence to the Convention cannot be achieved through partial destruction of chemical weapons. This view is contained in the statement of the Group of 21 at the 567th plenary meeting of the Conference on Disarmament on 24 July 1990 which can be found in the "Other Documents" Section of Appendix II.

"(b) provide information annually regarding the implementation of its plans for destruction of chemical weapons; and

"(c) certify, not later than 30 days after the destruction process has been completed, that all chemical weapons have been destroyed.

"7. Each State Party shall provide access to any chemical weapons destruction facilities and the facilities' storage for the purpose of systematic international on-site verification of destruction through the continuous presence of inspectors and continuous monitoring with on-site instruments, in accordance with the Annex to Article IV.

"8. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed, as provided in the Annex to Article IV. 1/ 2/

"9. All locations where chemical weapons are stored or destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article IV.

"10. Any State Party which has on its territory chemical weapons which are under the control of a State that is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than 30 days after the date on which the Convention entered into force for it.

"11. The declaration, plans and information submitted by each State Party under this Article shall be made in accordance with the Annex to Article III and the Annex to Article IV.

"[12. Reminder: undiminished security during the destruction period.] 3/

"1/ Consultations were carried out on this issue. The results are reflected in CD/CW/WP.177/Rev.1. Different views were expressed, *inter alia*, on the question of the responsibility for the destruction of these weapons. Further work is needed.

"2/ For some delegations, the question of the applicability of this Annex to obsolete chemical weapons (ordnances) retrieved from the combat zones of World War I will have to be resolved later.

"3/ The question of the proper place in the text of the Convention for provisions concerning undiminished security during the destruction period is to be further discussed.

"V. CHEMICAL WEAPONS PRODUCTION FACILITIES

"1. The provisions of this Article shall apply to any and all chemical weapons production facilities under the jurisdiction or control of a State Party, regardless of location. 1/

"2. Each State Party with any chemical weapons production facility shall cease immediately all activity at each chemical weapons production facility except that required for closure.

"3. No State Party shall construct any new chemical weapons production facility or modify any existing facility for the purpose of chemical weapons production or for any other purpose prohibited by the Convention.

"4. Each State Party, within 30 days after the Convention enters into force for it, shall submit a declaration which:

"(a) specifies any chemical weapons production facilities under its jurisdiction or control, or on its territory under the control of others, including a State not Party to this Convention, at any time since 1 January 1946;

"(b) specifies any transfer or any receipt by the State Party of any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since 1 January 1946 or any transfer of control by that Party of such equipment [and documentation];

"(c) specifies actions to be taken for closure of each chemical weapons production facility;

"(d) outlines its general plan for destruction for each chemical weapons production facility; and

"(e) outlines its general plan for any temporary conversion of any chemical weapons production facility into a facility for destruction of chemical weapons.

"1/ It is understood that the above provisions also apply to any facility on the territory of another State [regardless of ownership and form of contract, on the basis of which they have been set up and functioned for the purposes of production of chemical weapons].

"5. Each State Party shall, immediately after the declaration under paragraph 4 has been submitted, provide access to each chemical weapons production facility for the purpose of systematic international on-site verification of the declaration through on-site inspection.

"6. Each State Party shall:

"(a) close within three months after the Convention enters into force for it, each chemical weapons production facility in a manner that will render each facility inoperable and give notice thereof; and

"(b) provide access to each chemical weapons production facility, subsequent to closure, for the purpose of systematic international on-site verification through periodic on-site inspection and continuous monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently destroyed.

"7. Each State Party shall submit detailed plans for destruction of each chemical weapons production facility not later than 6 months before the destruction of the facility begins.

"8. Each State Party shall:

"(a) destroy all chemical weapons production facilities, and related facilities and equipment as specified in Section III-D-2 of the Annex to Article V, in accordance with the order of destruction specified in that Annex, beginning not later than one year from the date the Convention enters into force for it, and finishing not later than 10 years after the Convention enters into force; however, a State Party is not precluded from destroying its chemical weapons production facilities at a faster pace.

"(b) provide information annually regarding the implementation of its plans for the destruction of its chemical weapons production facilities, and

"(c) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons production facilities have been destroyed.

"9. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons in accordance with the provisions of the Annex to Article V. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons and, in any case, not later than 10 years after the Convention enters into force.

"10. Each State Party shall submit all chemical weapons production facilities to systematic international on-site verification through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article V.

"11. The declaration, plans and information submitted by each State Party under this Article shall be made in accordance with the Annex to Article V.

"[12. Reminder: undiminished security during the destruction period.] 1/

"1/ The question of the proper place in the text of the Convention for provisions concerning undiminished security during the destruction period is to be further discussed.

"VI. ACTIVITIES NOT PROHIBITED BY THE CONVENTION 1/ 2/ 3/ 4/

"1. Each State Party:

"(a) has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited by the Convention.

"(b) shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited by the Convention.

"2. Toxic chemicals and their precursors listed in Schedules 1, 2A, 2B and 3 in the Annex on Chemicals which could be used for purposes prohibited by the Convention, as well as facilities which produce, process or consume these toxic chemicals or precursors, shall be subject to international monitoring as provided in Annexes 1, 2 and 3 to this Article.

"The schedules of chemicals contained in the Annex on Chemicals may be revised according to part IV to that Annex.

"3. Within 30 days of the entry into force of the Convention for it, each State Party shall declare data on relevant chemicals and the facilities which produce them, in accordance with Annexes 1, 2 and 3 to this Article.

"4. Each State Party shall make an annual declaration regarding the relevant chemicals in accordance with Annexes 1, 2 and 3 to this Article.

"1/ This Article and its Annexes 2 and 3 need further consideration on the basis of CD/CW/WP.256.

"2/ One delegation considers that the terminology used in this Article and its annexes should be consistent with the final definition of chemical weapons to be agreed upon.

"3/ One delegation expressed the view that the question of collection and forwarding of data and other information to verify non-production requires further consideration. This delegation made reference to the Working Paper CD/CW/WP.159 of 19 March 1987, which includes draft elements for inclusion in the rolling text.

"4/ The view was expressed that the provisions of this Article should be considered in the light of the proposal regarding environmental concerns contained in document CD/CW/WP.313.

"5. Each State Party undertakes to subject chemicals listed in Schedule 1 and facilities specified in Annex 1 to this Article to the measures contained in that Annex.

"6. Each State Party undertakes to subject chemicals listed in Schedule 2, Parts A and B and facilities declared under Annex 2 to this Article to monitoring by data reporting and routine systematic international on-site verificiation, through on-site inspection and use of on-site instruments as long as production and processing are not impaired.

"7. Each State Party undertakes to subject chemicals listed in Schedule 3 and facilities declared under Annex 3 to this Article to monitoring by data reporting.

"8. The provisions of this Article shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological development of States Parties to the Convention and international co-operation in the field of peaceful chemical activities including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention. 1/

"9. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's peaceful chemical activities.

"10. For the purpose of on-site verification, each State Party shall grant to the Inspectors access to facilities as required in the Annexes to this Article.

"1/ The inclusion of this paragraph in this Article is to be considered further.

"VII. NATIONAL IMPLEMENTATION MEASURES 1/

"General undertakings

"1. Each State Party to this Convention shall adopt the necessary measures in accordance with its constitutional processes to implement this Convention and, in particular, to prohibit and prevent anywhere under its jurisdiction or control any activity that a State Party to this Convention is prohibited from conducting by this Convention.

"Relations between the State Party and the Organization

"2. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement the Convention.

"3. States Parties shall treat as confidential and afford special handling to information which they receive in connection with the implementation of the Convention from the Organization. They shall treat such information exclusively in connection with their rights and obligations under the Convention and in accordance with the provisions set out in the Annex on the Protection of Confidential Information. 2/

"4. In order to fulfil its obligations under the Convention, each State Party shall appoint a National Authority and inform the Organization of the designated National Authority at the time that the Convention enters into force for it. The National Authority shall serve as the national focal point for effective liaison with the Organization and other States Parties. 3/

"5. Each State Party undertakes to co-operate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat including data reporting, assistance for international on-site inspections, provided for in this Convention, and a response to all its requests for the provision of expertise, information and laboratory support.

"1/ The view was expressed that the placement of Article VII needs to be discussed further.

"2/ A view was expressed that further discussion on this subject is necessary.

"3/ The view was expressed that the role of the National Authority might need to be further developed.

"VIII. THE ORGANIZATION 1/

A. General Provisions

"1. The States Parties to the Convention hereby establish the Organization for the Prohibition of Chemical Weapons, to achieve the objectives of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and co-operation among States Parties. 2/

"2. All States Parties to the Convention shall be members of the Organization.

"3. The seat of the headquarters of the Organization shall be ...

"4. There are hereby established as the organs of the Organization the Conference of the States Parties, 3/ the Executive Council and the Technical Secretariat.

"5. The verification activities described in this Convention shall be conducted in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. The Organization shall request only the information and data necessary to fulfil its responsibilities under the Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of the Convention and, in particular, shall abide by the provisions set out in the Annex on the Protection of Confidential Information. 4/

"1/ One delegation has expressed reservations with regard to the approach being given to the concept of an Organization for the Prohibition of Chemical Weapons, or any other similar solution for this purpose, and has expressed the view that before proceeding further in the examination of this question, there is a need to define the principles that will govern the financing of such an Organization.

"2/ A view was expressed that the achievement of these objectives should be sought in close co-operation with the United Nations.

"3/ A view was expressed that the designation of this highest organ, to which many references are made throughout the text, should be determined only after further consideration of other provisions of the Convention and that, in this connection, the possibility of using the designation "the General Conference" may also be considered.

"4/ A view was expressed that further discussion on this subject is necessary.

"B. Conference of the States Parties

"(a) Composition, procedure and decision-making

"1. The Conference of the States Parties shall be composed of all the States Parties to this Convention. Each State Party to the Convention shall have one representative in the Conference of the States Parties, who may be accompanied by alternates and advisers.

"2. The first session of the Conference of the States Parties shall be convened by the Depositary at (venue) not later than 30 days after the entry into force of the Convention.

"3. The Conference of the States Parties shall meet in regular sessions which should be held annually unless it decides otherwise. Special sessions shall be convened:

- when decided by the Conference of the States Parties;
- when requested by the Executive Council; or
- when requested by any State Party [and supported by [5-10] [one third of the] States Parties].

The special session shall be convened not later than [30-45] days after lodgement of the request with the Director-General unless specified otherwise in the request.

"4. Sessions shall take place at the headquarters of the Organization unless the Conference of the States Parties decides otherwise.

"5. The Conference of the States Parties shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.

"6. A majority of the members of the Conference of the States Parties shall constitute a quorum.

"7. Each member of the Conference of the States Parties shall have one vote.

"8. The Conference of the States Parties shall take decisions on questions of procedure, including decisions to convene special sessions of the Conference, by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference prior to the end of the period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless otherwise specified in the Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Conference by the majority required for decisions on questions of substance.

"(b) Powers and functions

"1. The Conference of the States Parties shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of the Convention, including those relating to the powers and functions of the Executive Council and Technical Secretariat. It may make recommendations and take decisions 1/ on any questions, matters or issues related to the Convention raised by a State Party or brought to its attention by the Executive Council.

"2. The Conference of the States Parties shall oversee the implementation of the Convention, and act in order to promote its objectives. It shall review compliance with it. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with the Convention to either of them in the exercise of their functions.

"3. In addition, the powers and functions of the Conference of the States Parties shall be:

"(i) To consider and adopt at its regular sessions the report of the Organization, consider other reports and consider and adopt the programme and budget of the Organization, submitted by the Executive Council;

"(ii) to [encourage] [promote] international co-operation for peaceful purposes in the chemical field;

"1/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

"(iii) to review scientific and technological developments which could affect the operation of the Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board [1] to enable him, in the performance of his functions, to render to the Conference of the States Parties, the Executive Council or States Parties independent and specialized advice in areas of science and technology relevant to the Convention. [2]

"(iv) to decide on the scale of financial contributions to be paid by States Parties; [3]

"(v) to elect the members of the Executive Council;

"(vi) to appoint the Director-General of the Technical Secretariat;

"(vii) to approve the rules of procedure of the Executive Council submitted by the latter;

"(viii) to establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention. [4]

"(ix) ... [5]

"[1] A view was expressed that the subject needs further examination, including the relationship with other organs of the Organization and its financial implications.

"[2] Terms of reference for the Scientific Advisory Board should be elaborated once the Chemical Weapons Convention has entered into force. Several delegations considered that this should be done before the appointment of the members of the Scientific Advisory Board.

"[3] The entire problem of the costs of the Organization needs to be considered.

"[4] It has been proposed that a Fact-finding Panel be established as a subsidiary body.

"[5] The question of functions relating to the implementation of Articles X and XI will be considered at a later stage. Other functions, e.g. the action to be taken in the event of non-compliance by a State Party, could be included as well.

"4. The Conference of the States Parties shall, after the expiry of 5 and 10 years from the date of entry into force of this Convention and at such other times within that time period as may be agreed on, meet in special sessions to undertake reviews of the operation of this Convention. 1/ Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise agreed upon by a majority of the States Parties, further sessions of the Conference of the States Parties shall be convened with the same objective. 2/

"[5. The Chairman of the Conference of the States Parties shall serve as non-voting Chairman of the Executive Council.]

"1/ Some delegations noted the need to provide for universality of the Convention in connection with the concern that, in light of national security interests, if States Parties are to fully destroy their chemical weapons, they must make sure that other States would not still pose a chemical weapons threat. In this regard, document CD/CW/WP.303, which is contained in the 'Other Documents' Section of Appendix II, proposes that a Special Conference be held at the end of the eighth year after the entry into force of the Convention pursuant to Article VIII, to consider the question of the participation in the Convention at that time, and to take a decision as to whether the participation in the Convention is sufficient for proceeding to the total elimination of all remaining chemical weapon stocks over the subsequent two years.

"The Group of 21 has objected to the proposals contained in document CD/CW/WP.303. The Group of 21 considers that universal adherence to the Convention cannot be achieved through partial destruction of chemical weapons. This view is contained in the statement of the Group of 21 at the 567th plenary meeting of the Conference on Disarmament on 24 July 1990 which can be found in the 'Other Documents' Section of Appendix II.

"2/ The placement and wording of this provision as well as the possible need for separate review conferences require further consideration.

"C. The Executive Council

"(a) Composition, procedure and decision-making 1/

(To be elaborated)

"(b) Powers and functions

"1. The Executive Council shall be the executive organ of the Conference of the States Parties, to which it shall be responsible. It shall carry out the powers and functions entrusted to it under the Convention and its Annexes, as well as such functions delegated to it by the Conference of the States Parties. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference of the States Parties and assure their continuous and proper implementation.

"2. In particular, the Executive Council shall:

"(a) promote the effective implementation of, and compliance with, the Convention;

"(b) supervise the activities of the Technical Secretariat;

"(c) co-operate with the appropriate national authorities of States Parties and facilitate consultations and co-operation among States Parties at their request;

"(d) consider any issue or matter within its competence, affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, 2/ and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference of the States Parties;

"(e) consider and submit to the Conference of the States Parties the draft programme and budget of the Organization;

"1/ Consultations on this issue were carried out by the Chairman of the *Ad hoc* Committee for the 1989 session. The outcome of these consultations is contained in Appendix II.

"2/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

"(f) consider and submit to the Conference of the States Parties the draft report of the Organization on the implementation of the Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference of the States Parties may request;

"(g) conclude agreements with States and international organizations on behalf of the Organization, subject to approval by the Conference of the States Parties, and approve agreements relating to the implementation of verification activities, negotiated by the Director-General of the Technical Secretariat with States Parties;

"(h) (i) meet for regular sessions. Between regular sessions, it shall meet as often as may be required for the fulfilment of its functions;

"[(ii) elect its Chairman;]

"(iii) elaborate and submit its rules of Procedure to the Conference of the States Parties for approval;

"(iv) make arrangements for the sessions of the Conference of the States Parties including the preparation of a draft agenda.

"3. The Executive Council may request the convening of a special session of the Conference of the States Parties. 1/

"D. Technical Secretariat

"1. A Technical Secretariat shall be established to assist the Conference of the States Parties and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the functions entrusted to it under the Convention and its Annexes, as well as such functions assigned to it by the Conference of the States Parties and the Executive Council.

"2. In particular, the Technical Secretariat shall:

"(a) address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of the Convention;

"(b) negotiate the subsidiary agreements with States Parties relating to systematic international on-site verification for approval by the Executive Council;

"1/ It has been proposed that the Executive Council should request the convening of a special session of the Conference of the States Parties whenever obligations set forth in Article I of the Convention are violated.

"(c) execute international verification measure provided for in the Convention; 1/

"(d) inform the Executive Council of any problems which have arisen with regard to the execution of its functions, and of [doubts, ambiguities or uncertainties about compliance with the Convention] which have come to its notice in the performance of its verification activities and/or which it has been unable to resolve or clarify through its consultations with the State Party concerned;

"(e) provide technical assistance and technical evaluation to States Parties [in accordance with] [in the implementation of the provisions of] the Convention, including evaluations of listed and unlisted chemicals. 2/

"(f) prepare and submit to the Executive Council the draft programme and budget of the Organization;

"(g) prepare and submit to the Executive Council the draft report of the Organization on the implementation of the Convention and such other reports as the Executive Council and/or the Conference of the States Parties may request;

"(h) provide administrative and technical support 2/ to the Conference of the States Parties, the Executive Council and other subsidiary bodies.

"3. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General of the Technical Secretariat.

"4. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and inspectors and such scientific, technical and other personnel as may be required.

"1/ It has been suggested that the Inspectorate may request inspections for some insufficiently clear situations in the context of their systematic verification activities.

"2/ The phrasing of this paragraph needs to be considered further in the light of the elaboration of the relevant provision of the Convention. It has been suggested that the technical assistance or evaluation may relate, inter alia, to developing technical procedures, improving the effectiveness of verification methods.

"5. The Director-General of the Technical Secretariat shall be appointed by the Conference of the States Parties [upon the recommendation of the Executive Council] 1/ for [4] [5] years [renewable for one further term, but not thereafter]. The Director-General shall be responsible to the Conference of the States Parties and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of services shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper execution of its responsibilities.

"6. Consequent to paragraph (b) 3 (iii) in Section B above, the Director-General is responsible for the organization and functioning of the Scientific Advisory Board. He shall, in consultation with States Parties, appoint members of the Scientific Advisory Board who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of the Convention. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.

"7. In the performance of their duties, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action which might reflect on their positions as international officers responsible only to the Conference of the States Parties and the Executive Council.

"8. Each State Party shall undertake to respect the exclusively international character of the responsibilities of the Director-General of the Technical Secretariat, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

"1/ It has been proposed that the Director-General of the Technical Secretariat be appointed by the Conference of the States Parties upon the recommendation of the Secretary-General of the United Nations.

"IX. CONSULTATIONS, CO-OPERATION AND FACT-FINDING 1/

"1. States Parties shall consult and co-operate, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.

"2. States Parties to the Convention shall make every possible effort to clarify and resolve, through exchange of information and consultations among them, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, within ... days of the request, with information sufficient to answer the doubts or concerns raised along with an explanation on how the information provided resolves the matter. Nothing in this Convention affects the right of any two or more States Parties to this Convention to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

"Procedure for requesting clarification

"3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to doubts about the compliance of another State Party with the Convention. The Executive Council shall provide appropriate information and data in its possession relevant to the situation which can dispel such doubts.

"4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to doubts about its compliance with the Convention. In such a case, the following shall apply:

"(a) The Executive Council shall forward the request for clarification to the State Party concerned within 24 hours of its receipt.

"(b) The requested State Party shall provide the clarification to the Executive Council within seven days of the receipt of the request.

"1/ The Chairman of the Ad hoc Committee for the 1990 session undertook open-ended consultations on Article IX as a whole.

"(c) The Executive Council shall forward the clarification to the requesting State Party within 24 hours of its receipt.

"(d) In the event that the requesting State Party deems the clarification to be inadequate, it may request the Executive Council to obtain from the requested State Party further clarification.

"(e) For the purpose of obtaining further clarification requested under paragraph 4 (d), the Executive Council may set up a group of experts to examine all available information and data relevant to the situation causing the doubt. The group of experts shall submit a factual report to the Executive Council on its findings.

"(f) Should the requesting State Party consider the clarification obtained under paragraphs 4 (d) and 4 (e) to be unsatisfactory, it may request a special meeting of the Executive Council in which States Parties involved not members of the Executive Council shall be entitled to take part. In such a special meeting, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

"5. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to doubts about its compliance with the Convention. The Executive Council shall respond by providing such assistance as appropriate.

"6. The Executive Council shall inform the States Parties to this Convention about any request for clarification provided in this Article.

"7. If the doubts or concerns of a State Party about compliance have not been resolved within two months after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, without necessarily exercising its right to the challenge procedure, it may request a special session of the Conference of the States Parties in accordance with Article VIII. In such a special session, the Conference of the States Parties shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

"Procedure for requesting a fact-finding mission

"The further contents of Article IX remain to be elaborated. 1/

"1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1987 session and the Chairman of Group C for the 1988 session. The state of affairs was contained in CD/952. The Chairman of the Ad hoc Committee for the 1989 session undertook consultations on Article IX, Part 2, the outcome of which is contained in Appendix II.

"X. ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS 1/

"XI. ECONOMIC AND TECHNOLOGICAL DEVELOPMENT 1/

"XII. RELATION TO OTHER INTERNATIONAL AGREEMENTS 2/

"Nothing in this Convention will be interpreted as in any way impairing the obligations assumed under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 and in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

"XIII. AMENDMENTS 3/

"1. Any State Party may propose amendments to this Convention 4/, including its Annexes and Protocols. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3 of this Article except proposals concerning provisions subject to a simplified amendment procedure as provided for under paragraphs 4 and 5.

"2. The text of a proposed amendment shall be submitted to the Director-General of the Technical Secretariat for circulation to all States Parties of the Convention. It shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one-third or more of the States Parties notify to the Director-General within [..] months of its circulation that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference of the States Parties unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

"1/ Work on this Article continued. With the aim of facilitating further consideration of the issues involved, the text reflecting the 1989 stage of discussion is included in Appendix II.

/ During the 1989 session, work on this Article was continued. With the aim of facilitating further consideration of the issues involved, the text reflecting the current stage of discussion is included in Appendix II.

"3/ The view was expressed that this Article needs further development on the basis of future consideration.

"4/ The view was expressed that provisions which, if amended, would change the character of the Convention, should not be subject to amendments.

"3. Amendments shall enter into force for all States Parties to the Convention 30 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under (ii) below:

"(i) when adopted by the Amendment Conference by a positive vote of a majority 1/ of States Parties to the Convention with no State Party casting a negative vote; 2/ 3/ 4/

"(ii) and ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference;

"4. The following provisions shall be subject to a simplified amendment procedure ... 5/

"5. (i) Proposals for amendments under a simplified amendment procedure shall be transmitted together with the necessary information to the Director-General of the Technical Secretariat. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General of the Technical Secretariat. The Director-General of the Technical Secretariat shall promptly communicate any such proposals and information to all States Parties and the Executive Council.

"(ii) The Executive Council shall examine the proposal in the light of all information available to it. Within [90] days of its receipt, the Executive Council shall notify its recommendation to all States Parties for consideration. States Parties shall acknowledge receipt within ... days.

"1/ The view was expressed that 'majority' needs further clarification.

"2/ The view was expressed that the adoption of an amendment by consensus should be further considered. Another view was expressed that decisions on proposed amendments could also be taken by a qualified majority, in particular, on amendments to (parts of) Article VIII.

"3/ The view was expressed that the effect of allowing as little as one negative vote to prevent the adoption of a proposal for an amendment might in practice make the Convention unamendable.

"4/ Concerns were expressed as to the fact that with the proposed provision a State Party could be bound by an amendment without having approved or ratified it.

"5/ The list of relevant provisions has to be established at a later stage.

"(iii) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved / if no State Party objects / if no more than [x] States Parties object to it / within [30] days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if / no State Party objects / no more than [x] States Parties object / to the rejection within [30] days after receipt of the recommendation. 1/

"(iv) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (iii), a decision on the proposal shall be taken as a matter of substance by the Conference of the States Parties at its next session.

"(v) The Executive Council may itself propose amendments, making use of information provided by the Director-General of the Technical Secretariat. In such cases, sub-paragraphs (iii) and (iv) shall be applied accordingly.

"(vi) The Director-General shall notify all States Parties of any decision under this paragraph.

"(vii) An amendment approved under this procedure shall enter into force for all States Parties [60] days after notification of approval.

"XIV. DURATION AND WITHDRAWAL 2/

"1. This Convention shall be of unlimited duration.

"2. Each State Party to this Convention shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and the (United Nations Security Council) (Depositary) three months in advance. 3/ Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

"1/ The view was expressed that this amendment procedure should not constitute a precedent with regard to powers and functioning of the Executive Council.

"2/ A view was expressed that the withdrawal of any State Party shall not affect its obligations under Article I of this Convention.

"3/ A view was expressed that the question of possibly setting different periods for the purpose of different circumstances relating to withdrawal, instead of a single period, requires further consideration.

"The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 17 June 1925.

"XV. SIGNATURE

"This Convention shall be open for signature for all States before its entry into force at (venue). 1/ 2/

"XVI. RATIFICATION

"This Convention shall be subject to ratification by States signatories according to their respective constitutional processes.

"XVII. ACCESSION

"Any State which does not sign the Convention before its entry into force may accede to it at any time. 3/

"XVIII. DEPOSITARY 4/

"The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention and shall:

"1. promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every Party;

"1/ One delegation expressed the view that the Convention should be open for signature indefinitely.

"2/ One delegation was of the view that this Article and the following Articles related to ratification, accession, deposit of instruments and entry into force should be contained under one Article.

"3/ One delegation expressed a view that accession would not be necessary.

"4/ It is to be discussed if other functions might be entrusted to the Depositary with regard to the special needs of the Convention.

"2. transmit duly certified copies of this Convention to the Governments of all signatory and acceding States;

"3. register this Convention pursuant to Article 102 of the Charter of the United Nations.

"XIX. ENTRY INTO FORCE

"(a) This Convention shall enter into force (30) days after the date of the deposit of the (60th) instrument of ratification.

"(b) For States whose instruments of ratification or accession are deposited subsequent to the entry forces of this Convention, it shall enter into force on the (30th) day following the date of deposit of their instrument of ratification or accession. 1/

"XX. LANGUAGES AND AUTHENTIC TEXTS

"This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

"1/ It is to be discussed further how to ensure that all 'chemical weapons possessing' and 'chemical weapons capable' States be among those States whose ratification would be required for the Convention to enter into force.

"SETTLEMENT OF DISPUTES 1/

"This text has been included on the understanding that the question of whether it shall be a separate Article or be attached to other Articles of the Convention has to be considered further.

****

"1. Disputes which may arise concerning the application or the interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations. 2/

"2. When a dispute arises between two or more Parties relating to the interpretation or application of this Convention, the Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the Parties choice including recourse to appropriate organs of the Convention and/or, by mutual consent, referral to the International Court of Justice. 3/ The Parties involved shall keep the Executive Council informed of actions being taken.

"3. The Executive Council [may] [shall] contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices [,calling upon the Parties to a dispute to start the settlement process of their choice and indicating a time-limit for each phase of the settlement].

"1/ The view was expressed that the decision on these provisions shall be taken after finalizing work on Articles VIII, IX and XI.

"2/ The view was expressed that the settlement of disputes procedures need further development, and especially that the relationship between a general provision on settlement of disputes and other provisions of importance to this question, in particular Article IX, needs further consideration.

"3/ The view was expressed that it should be made clear that the outcome of the procedure selected by the Parties involved should be binding.

"4. The Conference of the States Parties shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference of the States Parties shall, as it finds necessary, establish and/or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII B.(b).3.(viii). 1/

"5. The Conference of the States Parties and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the / Convention / activities of the Organization. 2/

"1/ The question whether an Administrative Tribunal should be established under the appropriate provisions of Article VIII needs further consideration.

"2/ The relationship between the Organization and the United Nations needs to be further considered, taking into account Article 96, paragraph 2 of the United Nations Charter and Article 65, paragraph 1 of the Statute of the International Court of Justice.

"ANNEXES

"ANNEX ON CHEMICALS

"Table of Contents

Page

"I. Definitions 115

"II. Schedules of chemicals 117

"III. Guidelines for schedules of chemicals 122

"IV. Modalities for revision of schedules and guidelines 125

"V. Toxicity determinations 128

"ANNEX ON CHEMICALS

"I. DEFINITIONS 1/

"A. Definitions related to toxicity

"(a) 'super-toxic lethal chemicals', means chemicals which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m^3 (by inhalation) when measured by an agreed method 2/ set forth in ...

"['Ultra-toxic chemicals' means super-toxic lethal chemicals which have a median lethal dose which is less than or equal to 0.1 mg/kg.]

"[(b) 'other lethal chemicals', means chemicals which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m^3 (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m^3 (by inhalation) when measured by an agreed method set forth in ...

"[(c) 'other harmful chemicals', means any [toxic] chemicals not covered by (a) or (b) above, [including toxic chemicals which normally cause temporary incapacitation rather than death] [at similar doses to those at which super-toxic lethal chemicals cause death].]

"[and 'other harmful chemicals', means chemicals which have a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m^3 (by inhalation).]]

"B. Definitions related to precursor chemicals

"(a) 'Key Precursor' means:

a precursor which poses a significant risk to the objectives of the Convention by virtue of its importance in the production of a toxic chemical.

"It may possess [possesses] the following characteristics:

"(i) It may play [plays] an important role in determining the toxic properties of a [toxic chemical prohibited by the Convention] [super-toxic lethal chemical].

"1/ The final placement of these definitions within the Covention will be decided at a later stage.

"2/ It was noted that after such measurements had actually been performed, the figures mentioned in this and the following section might be subject to slight changes in order to cover sulphur mustard gas under the first category.

"(ii) It may be used in one of the chemical reactions at the final stage of formation of the [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].

"[(iii) It may [is] not be used, or [is] used only in minimal quantities, for permitted purposes.] 1/

"[(b) Key component of binary and/or multicomponent chemical systems for chemical weapons means:]

"[a precursor which forms a toxic chemical in the binary or multicomponent weapons munition or device and which has the following additional characteristics (to be elaborated):]

"1/ The position of this subparagraph should be decided in relation to how some chemicals, for instance, isopropylalcohol, are dealt with in the Convention.

"II. SCHEDULES OF CHEMICALS (CAS number)

"A. Schedule 1

"1. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates 1/

e.g. Sarin: O-isopropyl methylphosphonofluoridate	(107-44-8)
Soman: O-pinacolyl methylphosphonofluoridate	(96-64-0)

"2. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates 1/

e.g. Tabun: O-ethyl N,N-dimethylphosphoramidocyanidate	(77-81-6)

"3. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding quaternary ammonium compounds 1/

e.g. VX: O-ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)

"4. Sulphur mustards [e.g.]:

Mustard gas (H): bis(2-chloroethyl)sulphide	(505-60-2)
Sesquimustard (Q): 1,2-bis(2-chloroethylthio)ethane	(3563-36-8)
O-Mustard (T): bis(2-chloroethylthioethyl)ether	(63918-89-8)
bis(2-chloroethylthio)methane	(63869-13-6)
1,3-bis(2-chloroethylthio)-n-propane	(63905-10-2)
1,4-bis(2-chloroethylthio)-n-butane	
2-Chloroethylchloromethylsulphide	(2625-76-5)

"5. Lewisites:

Lewisite 1: 2-chlorovinyldichloroarsine	(541-25-3)
Lewisite 2: bis(2-chlorovinyl)chloroarsine	(40334-69-8)
Lewisite 3: tris(2-chlorovinyl)arsine	(40334-70-1)

"6. Nitrogen mustards:

HN1: bis(2-chloroethyl)ethylamine	(538-07-8)
HN2: bis(2-chloroethyl)methylamine	(51-75-2)
HN3: tris(2-chloroethyl)amine	(555-77-1)

"1/ The precise delimitation of this group requires further discussion.

"7. 3-Quinuclidinyl benzilate (BZ) 1/ (6581-06-2)

"[8. Saxitoxin 2/ (35523-89-8)]

"[9. Ricin 2/]

"10. Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluoride 3/

e.g. DF: methylphosphonyldifluoride (676-99-3)

"11. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, N-Pr or i-Pr) phosphonites and corresponding quaternary ammonium compounds 3/

e.g. QL: O-ethyl O-2-diisopropylaminoethyl methylphosphonite (57856-11-8)

"[12. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonochloridates 4/ 5/

e.g. Chloro Sarin: O-isopropyl methylphosphonochloridate (1445-76-7)
Chloro Soman: O-pinacolyl methylphosphonochloridate (7040-57-5)]

"1/ The desirability of extending this item to include also related chemicals should be further discussed.

"2/ The placement of toxins on the Schedule requires further consideration. A view was expressed that relevant toxins should be considered for inclusion in Schedule 2 part B, for example, in a separate section with lower thresholds for declaration and verification compared with other chemicals on that Schedule. Another view was expressed that different toxins could be included in different Schedules in accordance with the guidelines for those Schedules. It was recognized that further consideration also needs to be given to the specific verification requirements with respect to toxin production.

"3/ The view was expressed that other members than DF and QL should be put on Schedule 2 part A, where however they are already covered by the first item.

"4/ The precise delimitation of this group requires further discussion.

"5/ A view was expressed that this group belongs to Schedule 2 part A, where it is already covered by the first item.

"[13.	3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 1/	(464-07-3)]

"B. Schedule 2 part A

"1.	Chemicals, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group [radical] but not further carbon atoms, except for those chemicals listed under Schedule 1. 2/	
"2.	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides	
"3.	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
"4.	Arsenic trichloride	(7784-34-1)
"5.	2,2-Diphenyl-2-hydroxyacetic acid 3/	(76-93-7)
"6.	Quinuclidin-3-ol 3/	(1619-34-7)

"1/ A view was expressed that this chemical should be included in Schedule 2 part A.

"2/ The precise delimitation of this group requires further discussion.

"3/ If item 7 on Schedule 1 is expanded into a group, a corresponding expansion should be considered for items 5 and 6 on Schedule 2 part A. Item 5 could, e.g., then include:

> 2-phenyl-2-(phenyl, cyclohexyl, cyclopentyl or cyclobutyl)-2-hydroxyacetic acids and their methyl, ethyl, n-propyl and iso-propyl esters,

and item 6 could, e.g., include:

> 3- or 4-hydroxypiperidine and their [derivatives] and [analogs].

"7. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chloride and corresponding quaternary ammonium compounds 1/ 2/

"8. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ol and corresponding quaternary ammonium compounds 1/ 2/

"9. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiol and corresponding quaternary ammonium compounds 1/ 2/

"10. Bis(2-hydroxyethyl)sulphide (thiodiglycol) 3/ (111-48-8)

"[11. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 4/ (464-07-3)]

"C. Schedule 2 part B

Amiton: O,O-Diethyl S-(2-(diethylamino)ethyl) phosphorothiolate (78-53-5)

[PFIB: 1,1,3,3,3 - pentafluoro -2- (trifluoromethyl) - 1 - propene 5/ (382-21-8)]

"1/ It was suggested that a limitation of the group to contain only the N,N-diisopropyl compounds should be considered in view of the scale of the commercial production of other group members. These other group members could then be included in Schedule 3. In this context, a view was also expressed that it could be sufficient to have only the N,N-diisopropyl compounds in Schedule 2 part A from the viewpoint that they are key precursors to VX. Furthermore a view was expressed that unless an appropriate limitation of the group can be provided, the placement of this group on this schedule should be reconsidered in light of existing commercial production of substances included in the group.

"2/ A view was expressed that 'and corresponding quaternary ammonium compounds' should be replaced by 'and corresponding salts'.

"3/ A view was expressed that this chemical should be included in Schedule 3.

"4/ A view was expressed that this chemical should be included in Schedule 1.

"5/ The view was expressed that further consideration is needed before PFIB can be added to Schedule 2 part B.

"D. Schedule 3 1/

"1.	Phosgene	(75-44-5)
"2.	Cyanogen chloride	(506-77-4)
"3.	Hydrogen cyanide	(74-90-8)
"4.	Trichloronitromethane (chloropicrin)	(76-06-2)
"5.	Phosphorus oxychloride	(10025-87-3)
"6.	Phosphorus trichloride	(7719-12-2)
"7.	Phosphorus pentachloride	(10026-13-8)
"8.	Di- and Trimethyl/Ethyl Esters of Phosphorus (P III) Acid 2/	
	[e.g.]: Trimethyl phosphite	(121-45-9)
	Triethyl phosphite	(122-52-1)
	Dimethyl phosphite	(868-85-9)
	Diethyl phosphite	(762-04-9)
"9.	Sulphur monochloride	(10025-67-9)
"10.	Sulphur dichloride	(10545-99-0)
"11.	Thionyl chloride	(7719-09-7)

"1/ It was observed that no precursors for nitrogen mustards had been included and it was proposed that the three compounds triethanolamine, ethyldiethanolamine and methyldiethanolamine should be discussed in this context for possible inclusion in Schedule 3.

"2/ Some felt that this heading might be superfluous and a possible source of misunderstandings, and therefore should be deleted.

"III. GUIDELINES FOR SCHEDULES OF CHEMICALS

"A. Guidelines for Schedule 1

"The following criteria for a chemical shall be taken into account in considering whether a chemical should be included in Schedule 1:

"1. (a) it has been developed, produced, stockpiled or used as a Chemical Weapon as defined in Article II;

or

"(b) it poses otherwise a high risk to the objectives of the Convention by virtue of its high potential for use for activities prohibited by the Convention because one or more of the following conditions is met:

- it possesses a chemical structure closely related to that of other Toxic Chemicals listed in Schedule 1 and has, or can be expected to have, comparable properties;
- it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be weaponized and used as a Chemical Weapon;
- [it may be used as a precursor in the final technological stage of production of a Toxic Chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;]

[and]

"2. it has little or no use for Purposes Not Prohibited Under The Convention.

"B. Guidelines for Schedule 2 part A 1/

"The following criteria shall be taken into account in considering whether a precursor to a Schedule 1 chemical would be included in Schedule 2 part A:

"1. It may be used in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1.

"1/ These guidelines are in the process of further consideration and development.

"2. It may pose a significant risk 1/ to the objectives of the Convention by virtue of its importance in the production of a chemical listed in Schedule 1.

"[3. It is not produced in large commercial quantities for purposes not prohibited by the Convention. 2/]

"C. Guidelines for Schedule 2 part B 3/

"Super-toxic lethal chemicals and other chemicals which are not included in Schedule 1 and are not precursor chemicals but which are deemed to pose a significant risk to the objectives of the Convention. 4/ 5/

"D. Guidelines for Schedule 3 3/

"The following criteria shall be taken into account when considering whether a dual purpose chemical or a precursor chemical, not listed in other schedules, would be included in Schedule 3:

"1/ The view was expressed that the degree of the risk of a chemical is determined on the basis of the contribution made by a precursor to the formation of the structure, or on the basis of the role it plays in determining the toxic properties of a Schedule 1 chemical.

"2/ The question of the applicability of a quantitative criterion requires further discussion, taking into account, inter alia, the aim of the measures stipulated in Article VI, paragraph 6, as set forth in Annex 2 to Article VI, paragraph 4, the likelihood of meeting the various aspects of this aim by routine systematic on-site inspections and use of on-site instruments and the necessity of efficient implementation of verification.

"3/ These guidelines are in the process of further consideration and development.

"4/ A view was expressed that, when assessing the risk to the objectives of the Convention, factors such as the lethal or incapacitating effects of a chemical, as well as its suitability as a chemical weapon in terms of physical and chemical properties should be taken into account.

"5/ A view was expressed that chemicals included in Schedule 2 part B may have commercial use.

"A. Dual purpose chemical

"1. It is produced in large commercial quantities 1/ for purposes not prohibited by the Convention, and

"2. it has been stockpiled as a chemical weapon, or

"3. it may pose a risk to the objectives of the Convention by virtue of its physical, chemical and toxicological properties being similar to those of chemical weapons.

"B. Precursor chemical

"1. It is produced in large commercial quantities 1/ for purposes not prohibited by the Convention, and

"2. it may pose a risk to the objectives of the Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1, or in the production of precursors to such chemicals 2/ [, and

"3. it contributes one or more atoms other than hydrogen, carbon, nitrogen or oxygen to the final listed end-product 3/].

"1/ The question of a quantitative criterion, possibly including a numerical threshold, requires further discussion.

"2/ A view was expressed that only precursors which may pose a risk to the objectives of the Convention by virtue of their importance in the production of one or more chemicals listed in Schedule 1 or 2 part A should be included.

"3/ Whether this criterion is unduly restrictive should be further discussed.

"IV. MODALITIES FOR REVISION OF SCHEDULES AND GUIDELINES 1/ 2/

"A. General provisions

"1. The revisions envisaged consist of additions to, deletions from, or shifts between the schedules and modifications of, additions to or deletions from the guidelines.

"2. A revision shall be proposed by a State Party which may request the assistance of the Technical Secretariat in the preparation of its proposal. If the Director-General of the Technical Secretariat has [, or obtains from the Scientific Advisory Board,] any information which in his opinion may require a revision of the schedules of chemicals or one or more of the guidelines, he shall provide that information to the Executive Council and communicate it to all States Parties.

"3. A proposal for revision shall be transmitted to the Director-General of the Technical Secretariat, substantiated with necessary information.

"4. The Director-General of the Technical Secretariat shall inform the Executive Council and all States Parties about a proposal for a revision within [5] days of its receipt.

"5. Any State Party and the Director-General of the Technical Secretariat may also provide relevant information for the evaluation of the proposal.

"B. Decisions regarding revisions of schedules

"1. When a proposal is made regarding a deletion of a chemical from a schedule or a shift between schedules the régime for that chemical shall be maintained while a decision on the proposed deletion or shift is being reached.

"2. When an addition to a schedule of chemicals is proposed no régime shall be applied to that chemical until a decision has been taken to include it on one of the schedules.

"1/ The view was expressed that there is no need to specify a role for the Scientific Advisory Board in these provisions as its functions will be determined by the Director-General in accordance with Article VIII. Another view was expressed that the Scientific Advisory Board should be able to submit to the Director-General or through him to the competent organs of the Organization any information available to it which in its opinion could lead to or contribute to a revision. These views apply to paras. A 2, B 4, C 1, C 3 of the present section.

"2/ This Section requires further consideration in light of Article XIII.

"[3. The proposal communicated under paragraph A.4 above shall be considered approved [if no State Party objects 1/ to it within [60] days after its receipt of the proposal.][upon the receipt within [60] days of formal acceptance by all States Parties.] 2/]

"4. [In the absence of such approval,] the Executive Council shall examine in light of all information available to it, [including any assessment by the Scientific Advisory Board,] the proposal for a revision. Within [90] days of the receipt of the proposal by the Director-General of the Technical Secretariat, the Executive Council shall provide its recommendation, together with appropriate background information, to all States Parties for consideration.

"5. If the Executive Council recommends to all States Parties that the proposal be adopted, 3/ it shall be considered approved [[if no State Party objects][if no more than [5] States Parties object] 1/ to it within [30] days after its receipt of the recommendation.][upon the receipt within [30] days of formal acceptance by all States Parties.] 2/

"6. Otherwise, a decision on the proposal shall be taken as a matter of substance by the Conference of the States Parties at its next regular session. For urgent consideration, a special session of the Conference of the States Parties may be convened according to Article VIII, paragraph B.(a).3.

"7. Any decision shall be notified to all States Parties. An approved revision shall enter into force [60] days after such a notification.

"C. Decisions regarding revision of guidelines

"1. The Executive Council shall examine in light of all information available to it[, including any assessment by the Scientific Advisory Board,] the proposal for a revision. Within [90] days of the receipt of the proposal by the Director-General of the Technical Secretariat, the Executive Council shall provide its recommendation, together with appropriate background information, to all States Parties for consideration.

"1/ A view was expressed that an objection to a revision should be substantiated.

"2/ Views were expressed that this latter bracketed phrase does not accord with the concept of tacit approval.

"3/ A view was expressed that the same procedure should apply also in case of a recommendation for rejection.

"2. The decision on a proposal shall be taken by the Conference of the States Parties in accordance with the procedures [laid down in Article XIII.][to be specified in this Annex.]

"[3. Following a revision of guidelines, the Director-General of the Technical Secretariat shall, [with the assistance of the Scientific Advisory Board,] immediately initiate a review of any schedule affected by the revision. This review shall be completed and the results communicated to all States Parties within [six] months.] 1/

"1/ Further discussions are required as to whether a review would always be necessary and as to who would participate in the review process.

"V. TOXICITY DETERMINATIONS

"A. Procedures for toxicity determinations 1/ 2/

"Recommended standardized operating procedures for acute subcutaneous toxicity determinations

"1. Introduction

"Three categories of agents were defined on the basis of their toxicity:

"(i) super-toxic lethal chemicals;

"(ii) other lethal chemicals;

"(iii) other harmful chemicals.

"Lethality limits in terms of LD_{50} for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

"2. Principles of the test method

"The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3° C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into groups; 20 animals in each group.

"1/ It was understood that these recommended standardized operating procedures (CD/CW/WP.30) for toxicity determinations might be supplemented or modified and/or, if necessary, reviewed.

"2/ A view was expressed that appropriate methods for testing of non-lethal harmful chemicals need to be addressed at a later stage.

"3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.

"3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'other lethal chemical' category; if lower than 50 per cent, the test substance will fall into the 'other harmful chemical'.

4. "Data reporting

"A test report should include the following information:

"(i) test conditions: date and hour of the test, air temperature and humidity;

"(ii) animal data: strain, weight and origin of the animals;

"(iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;

"(iv) results: the number of dead animals in each group, evaluation of results.

"Recommended standardized operating procedures for acute inhalation toxicity criteria

"1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour or aerosol state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

"Three categories of agents were defined on the basis of their toxicity:

"(i) super-toxic lethal chemicals;

"(ii) other lethal chemicals;

"(iii) other harmful chemicals.

"Lethality limits in terms of LCt_{50} for inhalatory application were established to separate three toxic categories at 2,000 mg min/m^3 and 20,000 mg min/m^3.

"2. Principles of the test method

"A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits (2,000 mg min/m^3 or 20,000 mg min/m^3 respectively. If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3° C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups; 20 animals in each group.

"3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure, etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.

"3.3. Equipment A constant vapour concentration may be produced by one of several methods:

"(i) by means of an automatic syringe which drops the material on to a suitable heating system (e.g. hot plate);

"(ii) by sending airsteam through a solution containing the material (e.g. bubbling chamber);

"(iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

"A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

"3.4 Physical measurements Measurements or monitoring should be conducted of the following parameters:

"(i) the rate of air flow (preferably continuously);

"(ii) the actual concentration of the test substance during the exposed period;

"(iii) temperature and humidity.

"3.5 Test method Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m^3 and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be exposed for 10 minutes to the concentration of 2,000 mg/m^3. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.6 Evaluation of results If the death rate in the first group of animals (exposed to the concentration of 200 mg/m^3) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (exposed to the concentration of 2,000 mg/m^3) is equal to or higher than 50 per cent, the test substance will fall into the 'other lethal chemical' category; if it is lower than 50 per cent, the test substance will fall into the 'other harmful chemical'.

"4. Data reporting

"A test report should include the following information:

"(i) Test conditions: date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air, etc.) and equipment for measuring temperature, humidity, air flow and concentration of the test substance;

"(ii) Exposure data: air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone;

"(iii) Animal data: strain, weight and origin of animals;

"(iv) Test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test;

"(v) Results: number of dead animals in each group, evaluation of results.

"B. Modalities for revision of toxicity determination procedures

(To be developed)

"ANNEX ON THE PROTECTION OF CONFIDENTIAL INFORMATION 1/ 2/

"A. GENERAL PRINCIPLES FOR THE HANDLING OF CONFIDENTIAL INFORMATION

"1. The obligation to protect confidential information shall pertain to the verification of both civil and military activities and facilities. As specified in Article VIII, the Organization shall:

"(a) require only the minimum amount of information and data necessary for the timely and efficient carrying out of its responsibilities under the Convention;

"(b) take measures necessary to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity;

"(c) develop agreements and regulations to implement the provisions of the Convention and shall specify as precisely as possible the information to which the Organization shall be given access by a State Party.

"2. The Director-General of the Technical Secretariat shall have the primary responsibility for ensuring the protection of confidential information. He shall establish a stringent régime governing the handling of confidential information by the Technical Secretariat. [The Director-General shall be assisted by an Assistant Director-General for Information Security.] In doing so he shall observe the following guidelines:

"(a) Information shall be considered confidential if

"(i) it is so designated by the State Party from whom the information was obtained and to which the information refers; or

"(ii) in the judgement of the Director-General, its unauthorized disclosure could reasonably be expected to cause damage to the State Party to which it refers or to the mechanisms for implementation of the Convention.

"(b) All data and documents obtained by the Technical Secretariat shall be evaluated by the appropriate unit of the Technical Secretariat in order to

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"1/ A view was expressed that further discussion on this subject is necessary.

"2/ The view was expressed that the references to confidentiality in Article VII and Article VIII are adequate. The detailed guidelines on confidentiality should be part of rules and regulations to be developed by the International Organization.

establish whether they contain confidential information. Data required by States Parties to be assured of the continued compliance with the Convention by other States Parties shall be routinely provided to them. Such data shall encompass:

"(i) the initial and annual reports and declarations provided by States Parties under Articles III, IV, V and VI;

"(ii) general reports on the results and effectiveness of verification activities; and

"(iii) information to be supplied to all States Parties in accordance with the provisions of the Convention.

"(c) No information obtained by the Organization in connection with implementation of the Convention shall be published or otherwise released, except, as follows:

"(i) General information on the implementation of the Convention may be compiled and released publicly in accordance with the decisions of the Conference of the States Parties or the Executive Council. [Prior to public release, all data and documents shall be evaluated by a specially designated unit of the Technical Secretariat to ensure that they do not contain confidential information.]

"(ii) Any information may be released with the express consent of the State Party to which the information refers.

"(iii) Information classified as confidential shall be released by the Organization only through agreed procedures which ensure that the release of information only occurs in strict conformity with the needs of the Convention.

"(d) The level of sensitivity of confidential data or documents shall be established, based on criteria to be applied uniformly 1/ in order to ensure their appropriate handling and protection. For this purpose, a classification system shall be introduced, which by taking account of relevant work undertaken in the preparation of the Convention shall provide for clear criteria ensuring the inclusion of information into appropriate categories of confidentiality and the justified durability of the confidential nature of information. While providing for the necessary flexibility in its implementation the classification system shall protect the rights of States Parties providing confidential information.

"1/ The view was expressed that such criteria should be developed by the Technical Secretariat.

"(e) Confidential information shall be stored securely at the premises of the Organization. Some data or documents may also be stored with the national authority of a State Party. Sensitive information, inter alia, photographs, plans and other documents required only for the inspection of a specific facility may be kept under lock and key at this facility in conformity with the agreement to be concluded on the basis of a relevant model.

"(f) To the greatest extent consistent with the effective implementation of the verification provisions of the Convention, information shall be handled and stored by the Technical Secretariat in a form that precludes direct identification of the facility to which it pertains.

"(g) The amount of confidential information removed from a facility shall be kept to the minimum necessary for the timely and effective implementation of the verification provisions of the Convention.

"[(h) Each employee shall only have access to that kind of information necessary for fulfilment of the function deriving from the relevant position description.]

"(i) Access to confidential information shall be regulated in accordance with its classification. The dissemination of confidential information within the Organization shall be on a strictly need-to-know basis.

"(j) The Director-General shall report annually to the Conference of the States Parties on the implementation of this régime.

"3. States Parties shall treat information which they receive from the Organization in accordance with the level of confidentiality established for that information. [Upon request States Parties shall provide details on the handling of information provided to them by the Organization.]

"B. EMPLOYMENT AND CONDUCT OF PERSONNEL IN THE TECHNICAL SECRETARIAT

"1. Conditions of staff employment shall be such as to ensure that access to and handling of confidential information shall be in conformity with the procedures established by the Director-General in accordance with part A of this Annex.

"2. [Each position in the Technical Secretariat shall be governed by a formal position description that specifies the scope of access to confidential information, if any, needed in that position.]

"3. In keeping with the provisions of Article VIII D of this Convention, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not disclose even after termination of their functions to any unauthorized persons any confidential information coming to their knowledge in the performance of their official duties. They shall not communicate to any State, organization or person outside the Technical Secretariat any information to which they have access in connection with their activities in a State Party.

"4. In the discharge of their function inspectors shall only request the information and data which are necessary to fulfil their mandate. They shall not take any records on information collected incidentally not related to verification of compliance with the Convention.

"5. The staff shall enter into individual secrecy agreements 1/ [with the Technical Secretariat] covering their period of employment and a period of five years after it is terminated.

"6. In order to avoid improper disclosures, inspectors and staff members shall be appropriately advised and reminded about security considerations [and of the possible penalties that they would incur, including the likelihood of the Organization's waiving their immunity from private suit].

"[7. Not less than 30 days before an employee is given clearance for access to confidential information that refers to activities under the [jurisdiction or control] of a State Party, the State Party concerned shall be notified of the proposed clearance. For inspectors the notification of a proposed designation shall fulfil this requirement.

"8. In evaluating the performance of inspectors and other employees of the Technical Secretariat, specific attention should be given to the employee's record regarding protection of confidential information.]

"C. MEASURES TO PROTECT SENSITIVE INSTALLATIONS AND PREVENT DISCLOSURE OF CONFIDENTIAL DATA IN THE COURSE OF ON-SITE VERIFICATION ACTIVITIES 2/

"1. States Parties may take such measures as they deem necessary to protect confidentiality, provided that they comply and demonstrate compliance with their obligations arising from the provisions of this Convention. Receiving an inspection they may indicate to the inspection team the equipment, documentation or areas that they consider sensitive and not related to the purpose of the inspection.

"2. Teams shall be guided by the principle of conducting on-site inspections in the least intrusive manner possible, consistent with the effective and

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"1/ This issue requires further consideration.

"2/ The contents and placement of some provisions contained in this section need to be reviewed in the light of ongoing discussions on the Guidelines on the Inspectorate.

timely accomplishment of their mission. They shall, to the extent they deem them appropriate, take into consideration and adopt proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.

"3. Inspection teams shall strictly abide by the provisions set out in the relevant Articles and Annexes of this Convention governing the conduct of inspections. They shall fully respect the procedures designed to protect sensitive installations and to prevent the disclosure of confidential data.

"4. In the elaboration of subsidiary arrangements/facility attachments due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment.

"5. The report to be prepared after each inspection shall only contain facts relevant to compliance with the Convention. The report shall be handled in accordance with the regulations established by the Organization governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Technical Secretariat and the inspected State Party.

"D. PROCEDURES IN CASE OF BREACHES OR ALLEGED BREACHES OF CONFIDENTIALITY 1/

"1. The Director-General of the Technical Secretariat shall establish necessary procedures to be followed in case of breaches or alleged breaches of confidentiality, taking into account recommendations made by the Preparatory Commission.

"2. The Director-General of the Technical Secretariat shall oversee the implementation of individual secrecy agreements and promptly initiate an investigation if there is any indication that obligations concerning the protection of confidential information have been violated and if he considers such an indication sufficient. He shall also promptly initiate an investigation if an allegation concerning a breach of confidentiality is made by a State Party.

"1/ This section should be reviewed in the light of the results of considerations of other legal issues, in particular liability and the settlement of disputes.

"3. [Members of the staff of the Technical Secretariat shall be held responsible for any breach of secrecy agreements they entered into.] The Director-General shall impose appropriate punitive and disciplinary measures on staff members who have violated their obligations to protect confidential information. 1/ In case of serious breaches the immunity from legal process may be waived by the Director-General.

"4. States Parties shall, to the extent possible, co-operate and support the Director-General of the Technical Secretariat in investigating any breach or alleged breach of confidentiality and in taking appropriate action in case a breach has been established.

"5. The Organization shall not be held liable for any breach of confidentiality committed by members of the Technical Secretariat.

"6. For breaches involving both a State Party and the Organization [or specifically within the Technical Secretariat] a 'Commission for the settlement of disputes related to confidentiality', set up as a subsidiary _ad hoc_ body of the Conference of the States Parties, shall consider the case. This Commission shall be appointed by the Conference of the States Parties.

"1/ A view was expressed that the Director-General should be given clear guidelines on which punitive and disciplinary measures would be deemed appropriate.

"ANNEX TO ARTICLE III

"I. DECLARATIONS OF CHEMICAL WEAPONS

"A. Possession or non-possession

"1. Possession of chemical weapons on own territory

Yes ...

No ...

"2. Possession, jurisdiction or control over chemical weapons elsewhere

Yes ...

No ...

"B. Existence on the territory of any chemical weapons under the jurisdiction or control of anyone else

Yes ...

No ...

"C. Past transfers

Yes ...

No ...

"II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. Possession or non-possession

"1. Possession of chemical weapons production facilities on own territory

Yes ...

No ...

"2. Possession, jurisdiction or control over chemical weapons production facilities elsewhere

Yes ...

No ...

"B. Existence on the territory of any chemical weapons production facilities under the jurisdiction or control of anyone else

Yes ...

No ...

"C. Past transfers of equipment [or technical documentation] 1/

Yes ...

No ...

"[III. OTHER DECLARATIONS]

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"1/ The view was expressed that technical documentation should not be included.

"ANNEX TO ARTICLE IV

"I. DECLARATIONS OF CHEMICAL WEAPONS

"A. The declaration by a State Party of the aggregate quantity, location, and detailed composition of chemical weapons under its jurisdiction or control shall include the following:

"1. The aggregate quantity of each chemical declared.

"2. The precise location of each declared storage site of chemical weapons, expressed by:

- name;

- geographical co-ordinates.

"3. Detailed inventory for each storage facility:

"(1) Chemicals defined as chemical weapons in accordance with Article II:

"(a) Chemicals shall be declared within the Schedules specified in the Annex on Chemicals.

"(b) For a chemical not listed in the Schedules in the Annex on Chemicals the information required for possible assignment of the chemical to one of the proper Schedules shall be provided, including the toxicity of the pure compound. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

"(c) Chemicals shall be identified by chemical name in accordance with current IUPAC (International Union of Pure and Applied Chemistry) nomenclature, structural formula and Chemical Abstracts Service registry number, if assigned. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

"(d) In cases involving mixtures of two or more chemicals, each chemical shall be identified and the percentage of each shall be provided, and the mixture shall be declared under the category of the most toxic chemical. If a component of a binary chemical weapon consists of a mixture of two or more chemicals, each chemical shall be identified and the percentage of each provided.

"(e) Provisions related to binary chemical weapons

"1. Binary chemical weapons shall be declared under the relevant end product within the framework of the agreed categories of chemical weapons. The following supplementary information shall be provided for each type of binary chemical munition/device 1/

"a. the chemical name of the toxic end product;

"b. the chemical composition and quantity of each component;

"c. the actual weight ratio between the components;

"d. which component shall be considered the [limiting] [key] component;

"e. the projected quantity of the toxic end product calculated on a stoichiometric basis from the [limiting] [key] component, assuming 100 per cent yield.

"2. A declared quantity (in tonnes) of the [limiting] [key] component intended for a specific toxic end product shall be considered equivalent to the quantity (in tonnes) of this toxic end product calculated on a stoickiometric basis assuming 100 per cent yield.

"(f) For multicomponent chemical weapons, the declaration shall be analogous to that envisaged for binary chemical weapons.

"(g) For each chemical the form of storage, i.e. munitions, sub-munitions, devices, equipment or bulk containers and other containers shall be declared. For each form of storage the following shall be listed:

- type
- size or calibre
- number of items
- weight of chemical fill per item.

In addition, for chemicals stored in bulk, the percentage purity shall be declared.

"(h) For each chemical the total weight present at the storage site shall be declared.

"1/ Issues related to relevant chemicals stored in bulk are subject to further discussion.

"(2) Unfilled munitions and/or sub-munitions and/or devices and/or equipment, defined as chemical weapons. For each type the information shall include:

"(a) the number of items

"(b) the fill volume per item

"(c) the intended chemical fill, if known.

"(3) Equipment specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment under points (1) and (2).

"(4) Chemicals specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment under points (1) and (2).

"B. Detailed information on any chemical weapons on the territory of a State Party which are under the jurisdiction or control of others, including a State not Party to the Convention (to be developed).

"C. Past transfers and receipts.

"A State Party that has transferred or received chemical weapons since 1 January 1946 shall declare these transfers or receipts, provided the amount transferred or received exceeded [1 tonne [of chemicals] [per chemical]] [100 kg per chemical] per year in bulk and/or munition form. This declaration shall be made according to the inventory format in paragraph 3 above. This declaration shall also indicate the supplier and recipient countries, the timing of the transfers or receipts and, as precisely as possible, the current location of the transferred items. When not all the specified data are available for transfers or receipts of chemical weapons for the period between 1 January 1946 and [1 January 1970] [20] [10] years before the entry into force of the Convention], the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

"II. INTERNATIONAL VERIFICATION OF DECLARATIONS OF CHEMICAL WEAPONS, INTERNATIONAL SYSTEMATIC MONITORING OF STORAGE FACILITIES, INTERNATIONAL VERIFICATION OF REMOVAL OF CHEMICAL WEAPONS FOR DESTRUCTION

"1. Storage facility description

"(a) Each site or location where, pending their destruction, chemical weapons declared in accordance with Article IV, are stored on the territory of a State Party or under its jurisdiction or control elsewhere, shall hereafter be designated as 'storage facility'.

"(b) At the time of the submission of its declaration of chemical weapons, in accordance with Article IV, a State Party shall provide the Technical Secretariat with the detailed description and location of its storage facility(ies) containing:

- boundary map;
- location of bunkers/storage areas, within the facility;
- the detailed inventory of the contents of each bunker/storage area;
- relevant details of the construction of bunkers/storage areas;
- recommendations for the emplacement by the Technical Secretariat of seals and monitoring instruments.

"2. Measures to secure the storage facility and storage facility preparation

"(a) Not later than when submitting its declaration of chemical weapons, a State Party shall take such measures as it considers appropriate to secure its storage facility(ies) and shall prevent any movement of its chemical weapons, except their removal for destruction.

"(b) In order to prepare its storage facility(ies) for international verification, a State Party shall ensure that its chemical weapons at its storage facility(ies) are so configured that seals and monitoring devices may be effectively applied, and that such configuration allows ready access for such verification.

"(c) While the storage facility remains closed for any movement of chemical weapons other than their removal for destruction activities necessary for maintenance and safety monitoring by national authorities, including standard maintenance of chemical weapons, may continue at the facility.

- Maintenance activities of chemical weapons shall not include:

  "(a) replacement of agent or of munition bodies;

  "(b) modification of the original characteristics of munitions, or parts or components thereof.

- All maintenance activities shall be subject to monitoring by the Technical Secretariat.

"3. Agreements on subsidiary arrangements 1/

"(a) Within [6] months after entry into force of the Convention, States Parties shall conclude with the Organization agreements on subsidiary arrangements for verification of their storage facilities. Such agreements shall be based on a Model Agreement and shall specify for each storage facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of the seals and monitoring devices by the Technical Secretariat. The Model Agreement shall include provisions to take into account future technological developments.

"(b) States Parties shall ensure that the verification of declarations of chemical weapons and the initiation of the systematic monitoring of storage facilities can be accomplished by the Technical Secretariat at all storage facilities within the agreed time frames after the Convention enters into force. 2/

"4. International verification of declarations of chemical weapons

"(a) International verification by on-site inspections

"(i) The purpose of the international verification of declarations of chemical weapons shall be to confirm through on-site inspections the accuracy of the declarations made in accordance with Article IV. 3/

"(ii) The Inspectors shall conduct this verification promptly after a declaration is submitted. They shall, *inter alia*, verify the quantity and identity of chemicals, types and number of munitions, devices and other equipment.

"(iii) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons at each storage facility.

"(iv) As the inventory progresses, Inspectors shall install such agreed seals as may be necessary to clearly indicate if any stocks are removed, and to ensure the securing of the storage facility.

"1/ The coverage of the subsidiary arrangements is to be discussed.

"2/ Procedures to ensure the implementation of the verification scheme within designated time frames are to be developed.

"3/ The applicability of Article IV, paragraph 2(b) is to be discussed.

"(b) Co-ordination for international systematic monitoring of storage facilities

"In conjunction with the on-site inspections of verification of declarations of chemical weapons, the Inspectors shall undertake necessary co-ordination for measures of systematic monitoring of storage facilities.

"5. Systematic monitoring of storage facilities

"(a) The purpose of the international systematic monitoring of storage facilities shall be to ensure that no undetected removal of chemical weapons takes place.

"(b) The international systematic monitoring shall be initiated as soon as possible after the declaration of chemical weapons is submitted and shall continue until all chemical weapons have been removed from the storage facility. It shall be ensured, in accordance with the agreement on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of Inspectors.

"(c) If the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons storage facility is concluded, Inspectors shall install for the purpose of this systematic monitoring a monitoring system as referred to below under (e). If no such agreement has been concluded, the Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

"(d) In the period before the activation of the continuous monitoring with on-site instruments and at other times when this continuous monitoring is not feasible, seals installed by Inspectors may only be opened in the presence of an Inspector. If an extraordinary event requires the opening of a seal when an Inspector is not present, a State Party shall immediately inform the Technical Secretariat and Inspectors will return as soon as possible to validate the inventory and re-establish the seals.

"(e) Monitoring with instruments.

"(i) For the purpose of the systematic monitoring of a chemical weapons storage facility, Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, inter alia, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, inter alia, seals and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.

"(ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons storage facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the Technical Secretariat if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.

"(iii) When the monitoring system is activated, Inspectors will verify the accuracy of the inventory of chemical weapons, as required.

"(iv) Data will be transmitted from each storage facility to the Technical Secretariat by means (to be determined). The transmission system will incorporate frequent transmissions from the storage facility and a query and response system between the storage facility and the Technical Secretariat. Inspectors shall periodically check the proper functioning of the monitoring system.

"(v) In the event that the monitoring system indicated any irregularity, the Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the storage facility. If, after this examination the problem remained unresolved, the Technical Secretariat would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the storage facility if necessary. The Technical Secretariat shall report any such problem immediately after its detection to the State Party who should assist in its resolution.

"(vi) The State Party shall immediately notify the Technical Secretariat if an event at the storage facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the Technical Secretariat with a view to restoring the operation of the monitoring system, and establishing interim measures, if necessary, as soon as possible.

"(f) Systematic on-site inspections and visits.

"(i) Visits to service the monitoring system may be required in addition to systematic on-site inspections to perform any necessary maintenance, replacement of equipment or to adjust the coverage of the monitoring system, if required.

"(ii) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated.) The particular storage facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected. During each inspection, the Inspectors will verify that the monitoring system is functioning correctly and verify the inventory in agreed percentage of bunkers and storage areas.

"(g) When all chemical weapons have been removed from the storage facility, the Technical Secretariat shall certify the declaration of the National Authority to that effect. After this certification, the Technical Secretariat shall terminate the international systematic monitoring of the storage facility and will promptly remove all devices and monitoring equipment installed by the Inspectors.

"6. International verification of the removal of chemical weapons for destruction

"(a) The State Party shall notify the Technical Secretariat [14] days in advance of the exact timing of removal of chemical weapons from the storage facility and of the planned arrival at the facility where they will be destroyed.

"(b) The State Party shall provide the Inspectors with the detailed inventory of the chemical weapons to be moved. The Inspectors shall be present when chemical weapons are removed from the storage facility and shall verify that the chemical weapons on the inventory are loaded on to the transport vehicles. Upon completion of the loading operations, the Inspectors shall seal the cargo and/or means of transport, as appropriate.

"(c) If only a portion of the chemical weapons is removed, the Inspectors will verify the accuracy of the inventory of the remaining chemical weapons and make any appropriate adjustments in the monitoring system in accordance with the agreement on subsidiary arrangements.

"(d) The Inspectors shall verify the arrival of the chemical weapons at the destruction facility by checking the seals on the cargo and/or the means of transport and shall verify the accuracy of the inventory of the chemical weapons transported.

"7. Inspections and visits

"(a) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit the storage facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

"(b) A State Party shall make any necessary preparations for the arrival of the Inspectors and shall ensure their expeditious transportation from their point of entry on the territory of the State Party to the storage facility. The agreement on subsidiary arrangements will specify administrative arrangements for Inspectors.

"(c) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;

- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;

- receive samples taken at their request from any devices and bulk containers and other containers at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;

- perform on-site analysis of samples;

- transfer, if necessary, samples for analysis off-site at a laboratory designated by the Organizaton, 1/ in accordance with agreed procedures;

- afford the opportunity to the inspected State Party to be present when samples are analysed;

- ensure, in accordance with agreed procedures that samples transported, stored and processed are not tampered with;

- communicate freely with the Technical Secretariat.

"(d) The State Party receiving the inspection shall, in accordance with agreed procedures:

- have the right to accompany the Inspectors at all times during the inspection and observe all their verification activities at the storage facility;

- have the right to retain duplicates of all samples taken and be present when samples are analysed;

"1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

- have the right to inspect any instrument used or installed by the Inspectors and to have it tested in the presence of its personnel;
- provide assistance to the Inspectors, upon their request, for the installation of the monitoring system and the analysis of samples on-site;
- receive copies of the reports on inspections of its storage facility(ies);
- receive copies, at its request, of the information and data gathered about its storage facility(ies) by the Technical Secretariat.

"(e) The Inspectors may request clarification of any ambiguities arising from the inspection. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the Inspectors shall inform the (Director-General of the) Technical Secretariat.

"(f) After each inspection or visit to the storage facility, Inspectors shall submit a report with their findings to the (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection or visit.

"III. DESTRUCTION OF CHEMICAL WEAPONS

"1. Destruction of chemical weapons means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such. 1/ 2/

"2. Each State Party possessing chemical weapons shall determine how it shall destroy them, except that the following processes may not be used: dumping in any body of water, land burial or open-pit burning. It shall destroy chemical weapons only at specifically designated and appropriately designed and equipped facility(ies).

"1/ It was noted that States Parties could take preliminary steps to render chemical weapons inoperable pending their complete destruction. It was also noted that if, unforeseeably, a State Party for strictly technical reasons could not fulfill its obligations with respect to the Order of Destruction, the Executive Council shall request it to take appropriate measures pending complete destruction.

"2/ It was also noted that these measures, if employed, should be temporary and should not interfere with destruction programmes in progress or planned.

"3. The State Party shall ensure that its chemical weapons destruction facility(ies) are constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this Convention.

"A. GUIDELINES

"1. The order of destruction of chemical weapons is based on the obligations specified in Article I and the other Articles of the Convention, including obligations regarding systematic international on-site verification: it takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons. The order of destruction is based on the principle of levelling out.

"[2. The destruction of chemical weapons stocks shall start for all States Parties possessing chemical weapons simultaneously. The whole destruction stage shall be divided into nine annual periods.

"3. Each State Party shall destroy not less than one-ninth of its stockpile [in measure of stockpile equivalent and/or equivalent mustard weight] during each destruction period. However, a State Party is not precluded from destroying its stocks at a faster pace. Each State Party shall determine its detailed plans for each destruction period, as specified in part III of this Annex and shall report annually on the implementation of each destruction period.] 1/

"B. ORDER OF DESTRUCTION 2/

"1. For the purpose of destruction, chemical weapons declared by each State Party are divided into three categories:

Category 1: Chemical weapons on the basis of Schedule 1 chemicals and their parts and components;

Category 2: Chemical weapons on the basis of all other chemicals and their parts and components;

Category 3: Unfilled munitions and devices, and equipment specifically designed for use directly in connection with employment of chemical weapons.

"1/ It is understood that this section will be deleted when agreement is reached on the order of destruction as described in Section B.

"2/ A view was expressed that the question of qualitative aspects of the order of destruction should also be addressed.

"2. Each State Party possessing chemical weapons

- shall start the destruction of Category 1 chemical weapons not later than one year from the date the Convention enters into force for it, and shall complete the destruction not later than ten years after the entry into force of the Convention. 1/ Taking into account the principle of levelling out, Category 1 chemical weapons shall be destroyed, in equal annual increments, from the beginning of the destruction process until the end of the eighth year after the Convention enters into force; the maximum quantity remaining at the end of the eighth year after the entry into force of the Convention shall not exceed 500 tonnes or 20 per cent of the quantity of chemical weapons declared by the State Party at the entry into force for it, whichever is less. The remaining quantity of Category 1 chemical weapons shall be destroyed in equal annual increments in the following two years. The comparison factor is chemical weapon agent tonnes.
- shall start the destruction of Category 2 chemical weapons not later than one year from the date the Convention enters into force for it and shall complete the destruction not later than five years after the entry into force of the Convention; Category 2 chemical weapons shall be destroyed in equal annual increments throughout the destruction period; the comparison factor for such weapons is the weight of the chemicals within such Category.

"1/ Some delegations noted the need to provide for universality of the Convention in connection with the concern that, in light of national security interests, if States Parties are to fully destroy their chemical weapons, they must make sure that other States would not still pose a chemical weapons threat. In this regard, document CD/CW/WP.303, which is contained in the 'Other Documents' Section of Appendix II, proposes that a Special Conference be held at the end of the eighth year after the entry into force of the Convention pursuant to Article VIII, to consider the question of the participation in the Convention at that time, and to take a decision as to whether the participation in the Convention is sufficient for proceeding to the total elimination of all remaining chemical weapon stocks over the subsequent two years.

"The Group of 21 has objected to the proposals contained in document CD/CW/WP.303. The Group of 21 considers that universal adherence to the Convention cannot be achieved through partial destruction of chemical weapons. This view is contained in the statement of the Group of 21 at the 567th plenary meeting of the Conference on Disarmament on 24 July 1990 which can be found in the 'Other Documents' Section of Appendix II.

- shall start the destruction of Category 3 chemical weapons not later than one year from the date the Convention enters into force for it, and shall complete the destruction not later than five years after the entry into force of the Convention; Category 3 chemical weapons shall be destroyed in equal annual increments throughout the destruction period; the comparison factor for unfilled munitions and devices is expressed in fill volume (m^3) and for equipment in number of items.

"C. BINARY CHEMICAL WEAPONS

"1. For the purposes of the order of destruction, a declared quantity (in tonnes) of the [limiting] [key] component intended for a specific toxic end product shall be considered equivalent to the quantity (in tonnes) of this toxic end product calculated on a stoichiometric basis assuming 100 per cent yield.

"2. A requirement to destroy a given quantity of the [limiting] [key] component shall entail a requirement to destroy a corresponding quantity of the other component, calculated from the actual weight ratio of the components in the relevant type of binary chemical munition/device.

"3. If more of the other component is declared than is needed, based on the actual weight ratio between components, then the excess shall be destroyed over the first two years after destruction operations begin.

"4. At the end of each subsequent operational year a State Party may retain an amount of the other declared component that is determined on the basis of the actual weight ratio of the components in the relevant type of binary chemical munition/device.

"D. MULTICOMPONENT CHEMICAL WEAPONS

"For multicomponent chemical weapons the order of destruction shall be analogous to that envisaged for binary chemical weapons.

"IV. INTERNATIONAL VERIFICATION OF THE DESTRUCTION OF CHEMICAL WEAPONS

"1. The purpose of verification of destruction of chemical weapons shall be:

- to confirm the identity and quantity of the chemical weapons stocks to be destroyed, and
- to confirm that these stocks for all practical purposes have been destroyed.

"2. General plans for destruction of chemical weapons

"The general plan for destruction of chemical weapons, submitted pursuant to Article IV shall specify:

"(a) a general schedule for destruction, giving types and quantities of chemical weapons planned to be destroyed in each period;

"(b) the number of chemical weapons destruction facilities existing or planned, to be operated over the 10 years destruction period;

"(c) for each existing or planned chemical weapons destruction facility:

- name and address;
- location;
- chemical weapons intended to be destroyed;
- method of destruction;
- capacity;
- expected period of operation;
- products of the destruction process.

"3. Detailed plans for destruction of chemical weapons

"The detailed plans submitted pursuant to Article IV, six months before each destruction period, shall specify:

"(a) the aggregate quantity of each individual type of chemical weapons planned to be destroyed at each facility;

"(b) the number of chemical weapons destruction facilities and a detailed schedule for the destruction of chemical weapons at each of these facilities;

"(c) data about each destruction facility:

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;

- technological scheme;

- operation manuals;

- the system of verification;

- safety measures in force at the facility;

- living and working conditions for the Inspectors.

"(d) data about any storage facility at the destruction facility planned to provide chemical weapons directly to it during the destruction period,

- layout plan of the facility;

- method and volume of storage estimated by types and quantities of chemical weapons;

- types and quantities of chemical weapons to be stored at the facility during the destruction period;

- safety measures in force at the facility.

"(e) After the submission of the first detailed plans, subsequent annual plans should contain only changes and additions to required data elements submitted in the first detailed plans.

"4. Review of detailed plans for the destruction of chemical weapons

"(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and as the case may be, on experience from previous inspections and on the relevant agreement(s) on subsidiary arrangements, the Technical Secretariat shall prepare before each destruction period, a plan for verifying the destruction of chemical weapons, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of the Convention.

"(b) The agreed combined detailed plans for destruction and verification plans, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. The members of the Executive Council shall review the plans with a view to approving them, consistent with verification objectives. This review is designed to determine that the destruction of chemical weapons, as planned, is consistent with the obligations under the Convention and the objective of destroying the chemical weapons. It should also confirm that verification schemes for destruction are consistent with verification objectives, and are efficient and workable. This review should be completed 60 days before the destruction period.

"(c) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

"(d) If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Conference of the States Parties.

"(e) After a review of the detailed plans of destruction of chemical weapons, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure its chemical weapons destruction facility(ies) is (are) designed to assure destruction of chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility(ies) operation, and that the facility(ies) operation allows appropriate verification.

"(f) Destruction and verification should proceed according to the agreed plan as referred to above. Such verification should not interfere with the destruction process.

"5. Agreements on subsidiary arrangements

"For each destruction facility, States Parties should conclude with the Organization detailed agreements on subsidiary arrangements for the systematic verification of destruction of chemical weapons. Such agreements shall be based on a Model Agreement and shall specify, for each destruction facility, the detailed on-site inspection procedures and arrangements for the removal of chemical weapons from the storage facility at the destruction facility, transport from this storage facility to their destruction and the monitoring by on-site instruments, taking into account the specific characteristics of the destruction facility and its mode of operation. The Model Agreement shall include provisions to take into account the need for maintenance and modifications.

"6. Inspectors will be granted access to each chemical weapons destruction facility [30 days] prior to commencement of active destruction phases for the purpose of carrying out an engineering review of the facility, including the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.

"7. Systematic international on-site verification of destruction of chemical weapons

"(a) The Inspectors will be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities thereat during the entire active phase of destruction. They will conduct their activities in the presence and with the co-operation of representatives of the facility's management and the National Authority if they wish to be present.

"(b) The Inspectors may monitor by either physical observation or devices:

"(i) the chemical weapons storage facility at the destruction facility and the chemical weapons present;

"(ii) the movement of chemical weapons from the storage facility to the destruction facility;

"(iii) the process of destruction (assuring that no chemical weapons are diverted);

"(iv) the material balance; and

"(v) the accuracy and calibration of the instruments.

"(c) To the extent consistent with verification needs, verification procedures should make use of information from routine facility operations.

"(d) After the completion of each period of destruction, the Technical Secretariat shall certify the declaration of the National Authority, reporting the completion of destruction of the designated quantity of chemical weapons.

"(e) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the destruction facilities, and the storage facilities thereat, any munitions, devices, bulk containers, or other containers, therein. While conducting their activity, Inspectors shall comply with the safety regulations at these facilities. The items to be inspected will be chosen by the Inspectors in accordance with the verification plan that has been agreed to by the State Party and approved by the Executive Council;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- monitor the systematic on-site analysis of samples during the destruction process;

- receive, if necessary, samples taken at their request from any devices, bulk containers and other containers at the destruction facility or the storage facility thereat. Such samples will be taken and analysed by representatives of the State Party in the presence of the Inspectors;
- communicate freely with the Technical Secretariat;
- if necessary, transfer samples for analysis off-site at a laboratory designated by the Organization, 1/ in accordance with agreed procedures;
- ensure, in accordance with agreed procedures, that samples transported, stored and processed are not tampered with;
- afford the opportunity to the inspected State Party to be present when samples are analysed.

"(f) The State Party receiving the inspection shall, in accordance with agreed procedures:

- have the right to accompany the Inspectors at all times during the inspection and observe all their verification activities at the destruction facility, and the storage facility thereat;
- have the right to retain duplicates of all samples taken at the Inspectors' request and be present when samples are analysed;
- have the right to inspect any agreed standard instrument used or installed by the Inspectors and to have it tested in the presence of its personnel;
- provide assistance to the Inspectors, upon their request, for the installation of seals or monitoring devices and the analysis of samples on-site as appropriate to the monitoring of the destruction process;
- receive copies of the reports on inspections of its destruction facility(ies);
- receive copies, at its request, of the information and data gathered about its destruction facility(ies) by the Technical Secretariat.

"1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

"(g) If Inspectors detect irregularities which may give rise to doubts they will report the irregularities to the representatives of the facility and the National Authority and request that the situation be resolved. Uncorrected irregularities will be reported to the Executive Council.

"(h) After each inspection to the destruction facility, Inspectors shall submit a report with their findings to the (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection.

"8. Chemical weapons storage facilities at chemical weapons destruction facilities

"(a) Inspectors shall verify any arrival of chemical weapons at a chemical weapons storage facility at a chemical weapons destruction facility, as referred to in paragraph 6 (d) of section II of this Annex, and the storing of these chemical weapons. They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons in this storage facility. They shall install such agreed seals as may be necessary to verify that stocks are removed only for destruction.

"(b) As soon and as long as chemical weapons are stored at chemical weapons storage facilities at chemical weapons destruction facilities, these storage facilities shall be subject to international systematic monitoring, as referred to in relevant provisions of paragraph 5 of section II of the present Annex, in conformity with the relevant agreements on subsidiary arrangements or, if no such agreement has been concluded, with the agreed combined plan for destruction and verification.

"(c) The Inspectors will make any appropriate adjustments in the monitoring system in accordance with the relevant agreement on subsidiary arrangements whenever inventory changes occur.

"(d) At the end of an active destruction phase, Inspectors will make an inventory of the chemical weapons that have been removed from the storage facility to be destroyed. They shall verify the accuracy of the inventory of the chemical weapons remaining employing inventory control procedures as referred to above under (a). They shall install such agreed seals as may be necessary to ensure the securing of the storage facility.

"(e) The international systematic monitoring of a chemical weapons storage facility at a chemical weapons destruction facility may be discontinued when the active destruction phase is completed, if no chemical weapons remain. If, in addition, no chemical weapons are planned to be stored at this facility, the international systematic monitoring shall be terminated in accordance with section II, paragraph 5 (g) of this Annex.

"ANNEX TO ARTICLE V

"I. DEFINITIONS

"The equipment mentioned in the definition of Chemical Weapons Production Facility in Article II covers Specialized Equipment and Standard Equipment.

- 'Specialized Equipment' means:

  - . the main production train, including any reactor or equipment for product synthesis, separation or purification, any equipment used directly for heat transfer in the final technological stage (for example, in reactors or in product separation), as well as any other equipment which has been in contact with any Schedule 1 chemical, or any other chemical that has no use for purposes not prohibited under the Convention above [1] tonne per year but can be used for chemical weapons purposes, or would be if the facility were operated.

  - . any chemical weapon filling machines.

  - . any other equipment specially designed, built or installed for the operation of the facility as a chemical weapons production facility, as distinct from a facility constructed according to prevailing commercial industry standards for facilities not producing super-toxic lethal or corrosive chemicals. (Examples include equipment made of high-nickel alloys or other special corrosion-resistant material; special equipment for waste control, waste treatment, air filtering, or solvent recovery; special containment enclosures and safety shields; non-standard laboratory equipment used to analyse toxic chemicals for chemical weapons purposes; custom-designed process control panels; dedicated spares for Specialized Equipment.)

- 'Standard Equipment' means:

  - . production equipment which is generally used in the chemical industry and is not included in the types of Specialized Equipment;

  - . other equipment commonly used in the chemical industry, such as fire-fighting equipment, guard and security/safety surveillance equipment, medical facilities, laboratory facilities, communications equipment.

"The buildings mentioned in the definition of Chemical Weapons Production Facility in Article II cover Specialized Buildings and Standard Buildings.

- 'Specialized Building' means:
  - . any building, including underground structures, containing Specialized Equipment in a production or filling configuration;
  - . any building, including underground structures, which has distinctive features which distinguish it from buildings normally used for chemical production or filling activities not banned by the Convention.
- 'Standard Building' means:
  - . any building, including underground structures, constructed to prevailing industry standards for facilities not producing super-toxic lethal or corrosive chemicals.

"II. DECLARATIONS ON CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. Declarations of chemical weapons production facilities

"The declaration shall contain for each facility:

"1. The names of the facility, names of the owners, and names of the companies or enterprises operating the facility since 1 January 1946.

"2. The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).

"3. Chemical weapons produced at the facility and dates that they were produced:

"(a) Types and quantities of chemicals produced and bulk containers filled;

"(b) Types and quantities of munitions or devices filled; identity of chemical fill.

"4. Capacity of the facility for chemical weapons production or filling, calculated in accordance with the definition of Production Capacity and expressed in terms of:

"(a) The quantity of end-product that the facility can produce in one year;

"(b) The quantity of chemical that the facility can fill into each type of munition or device in one year.

"5. Status of and plans for the facility:

"(a) When production of chemical weapons ceased;

"(b) Whether it has been destroyed; date of final destruction;

"(c) Whether it has been converted to activities not related to chemical weapons production; date of start of such activities; nature of [most recent] activities [, e.g. most recent production, types and quantities of products]; 1/

"(d) Whether it has already been converted for destruction of chemical weapons; date of conversion;

"(e) Whether it will be temporarily converted for destruction of chemical weapons.

"6. For facilities that were not destroyed, detailed facility description:

"(a) Layout of the facility;

"(b) Process flow diagram;

"(c) Detailed inventory of equipment and any spare or replacement parts on site;

"[(d) The quantities of any chemicals or munitions on site, indicating what is already declared under Article IV.]

"7. Lists of Specialized Equipment and Standard Equipment and any spare or replacement parts for chemical weapons production which have been removed from the facility; current status, if known.

"B. Declarations of transfers

"1. Chemical Weapons Production Equipment means:

- Specialized Equipment;
- equipment for the production of equipment specifically designed for use directly in connection with chemical weapons employment;

"1/ The problems of documentation and identification of relevant parts of such facilities need further consideration.

- equipment designed or used exclusively for producing non-chemical parts for chemical munitions.

"2. The declaration should specify:

"(a) who received/transferred chemical weapons production equipment [and technical documentation];

"(b) the identity of the equipment;

"(c) date of transfer;

"(d) whether the equipment [and technical documentation] was destroyed, if known;

"(e) current disposition, if known.

"3. A State Party that has transferred or received chemical weapons production equipment since 1 January 1946 shall declare these transfers and receipts in accordance with paragraph 2 above. When not all the specified data are available for the period between 1 January 1946 and [1 January 1970] [[20][10] years before the entry into force of the Convention], the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

"C. Annual declarations on destruction

"1. The annual plan for destruction, to be submitted at least three months in advance of the coming destruction year, shall specify:

"(a) capacity to be destroyed;

"(b) location of the facilities where destruction will take place;

"(c) list of buildings and equipment that will be destroyed at each facility;

"(d) planned method of destruction.

"2. The annual report on destruction, to be submitted within three months after the previous destruction year shall specify:

"(a) capacity destroyed;

"(b) location of the facilities where destruction took place;

"(c) list of buildings and equipment that were destroyed at each facility;

"(d) method of destruction.

"D. Declarations with respect to chemical weapons production facilities under the control of others on the territory of the State Party

"All elements contained in part II A and C of this Annex shall be declared. It is the responsibility of the State Party to make appropriate arrangements with the State which controls or controlled the facility that the declarations are made. If the State Party is not able to fulfil this obligation, it shall state the reasons thereof. 1/

"III. PRINCIPLES AND METHODS FOR CLOSURE, MAINTENANCE, TEMPORARY CONVERSION AND DESTRUCTION OF CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. General

"Each State Party shall decide on methods to be applied for the destruction 2/ of its chemical weapons production facilities, according to the principles laid down in Article V and in this Annex.

"B. Closure and methods for closing the facility

"1. The purpose of the closure of a chemical weapons production facility is to render it inoperable.

"2. Agreed measures for closure will be taken by the State Party with due regard to the specific characteristics of each facility. Such measures shall include, *inter alia*: 3/

- prohibition of occupation of the Specialized Buildings and Standard Buildings of the facility except for agreed activities;
- disconnection of equipment directly related to the production of chemical weapons to include, *inter alia*, process control equipment and utilities;

"1/ Further consideration is needed with regard to the obligation to provide the above information.

"2/ Further discussion is needed of possible methods of destruction and of related definitions.

"3/ The activities and items in these measures will need further elaboration and discussion in light of methods of destruction and characteristics of specific facilities.

- decommissioning of protective installations and equipment used exclusively for the safety of operations of the chemical weapons production facility;

- interruption of rail, road and other access routes for heavy transport to the chemical weapons production facility except those required for agreed activities.

"3. While the chemical weapons production facility remains closed, the State Party may continue safety and physical security activities at the facility.

"C. Technical maintenance of chemical weapons production facilities prior to their destruction

"1. A State Party may carry out standard maintenance activities [in particular][only] for safety reasons at its chemical weapons production facilities, including visual inspection, preventive maintenance, and routine repairs.

"2. All planned maintenance activities shall be specified in the general and detailed plan for destruction. Maintenance activities shall not include:

"(a) [replacement of any process equipment];

"(b) modification of the characteristics of the chemical process equipment;

"(c) production of chemicals of any type.

"3. All maintenance activities shall be subject to monitoring by the Technical Secretariat.

"D. Activities related to destruction

"1. Destruction of equipment and buildings covered by the definition of a Chemical Weapons Production Facility

- All Specialized Equipment and Standard Equipment shall be physically destroyed.

- All Specialized Buildings and Standard Buildings shall be physically destroyed.

"2. Facilities for producing unfilled chemical munitions and equipment for chemical weapons employment

- Facilities used exclusively for production of: (a) non-chemical parts for chemical munitions or (b) equipment specifically designed for use directly in connection with chemical weapons employment, shall be declared and destroyed. The destruction process and its verification shall be conducted according to the provisions of Article V that govern destruction of chemical weapons production facilities.

- All equipment designed or used exclusively for producing non-chemical parts for chemical munitions shall be physically destroyed. Such equipment, which includes specially-designed moulds and metal-forming dies, may be brought to a special location for destruction.

- All buildings and standard equipment used for such production activities shall be destroyed or converted for purposes not prohibited under the convention, with confirmation as necessary through consultations and inspections as provided for under Article IX.

- Activities for purposes not prohibited under the convention may continue while destruction or conversion proceeds.

"E. Activities related to temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities

"Conversion guidelines are as follows:

"1. Measures pertaining to the temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities should ensure that the régime for the temporarily converted facilities is at least as stringent as the régime for facilities that have not been converted.

"2. Chemical weapons production facilities converted into chemical weapons destruction facilities before the Convention enters into force shall be declared under the category of chemical weapons production facilities. They shall be subject to an initial visit by Inspectors who shall confirm the correctness of the information about those facilities. Verification that the conversion of these facilities was performed in such a manner as to render them inoperable as chemical weapons production facilities shall also be required, and shall fall within the framework of measures provided for the facilities that are to be rendered inoperable within three months after the Convention enters into force.

"3. A State Party which intends to carry out a conversion of facilities after the Convention enters into force shall submit to the Technical Secretariat a general facility conversion plan, and subsequently shall submit annual plans. Conversion measures shall be carried out under international verification.

"4. Should the State Party have the need of converting into a chemical weapons destruction facility an additional chemical weapons production facility that had been closed after the Convention entered into force, it shall inform the Technical Secretariat thereof [at least three] months in advance. The Technical Secretariat, in conjunction with the State Party, shall make sure that necessary measures are taken to render that facility, after its conversion, inoperable as a chemical weapons production facility.

"A facility converted for the destruction of chemical weapons shall not be more fit for resuming chemical weapons production than a facility which has been closed and is under maintenance. Its reactivation shall require no less time.

"5. During the active phase of the destruction of chemical weapons, converted facilities shall be subject to verification measures provided for destruction facilities; at all other times they shall be verified under the provisions applicable to closed non-converted chemical weapons production facilities.

"6. Converted chemical weapons production facilities shall be destroyed not later than 10 years after the Convention enters into force.

"7. Any measures for the conversion of any given chemical weapons production facility are facility-specific and shall depend upon its individual characteristics.

"8. The set of measures carried out for the purposes of converting a chemical weapons production facility into a chemical weapons destruction facility shall not be less than that which is provided for the disabling of other facilities to be carried out during the three months after the Convention enters into force.

"IV. ORDER OF DESTRUCTION

"1. The order of destruction is based on the obligations specified in Article 1 and the other Articles of the Convention, including obligations regarding systematic international on-site verification; it takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons production facilities and applicability irrespective of the actual characteristics of the facilities and the methods chosen for their destruction. The order of destruction is based on the principle of levelling out.

"2. A State Party shall, for each destruction period, determine which chemical weapons production facilities are to be destroyed and carry out the destruction in such a way that not more than what is specified below remains at the end of each destruction period. A State Party is not precluded from destroying its facilities at a faster pace.

"3. The following provisions shall apply to chemical weapons production facilities that produce Schedule 1 chemicals:

"(a) Each State Party possessing such facilities shall start the destruction not later than one year from the date the Convention enters into force for it, and shall complete it not later than 10 years after the Convention enters into force. For a State which is a Party at the entry into force of the Convention, this overall period shall be divided into three separate destruction periods, namely, years 2-5, years 6-8, and years 9-10. For States which become a Party after the entry into force of the Convention, the destruction periods shall be adapted, taking into account paragraphs 1 and 2 above;

"(b) Annual Production Capacity, calculated in accordance with the definition of Production Capacity, shall be used as the comparison factor for such facilities. It shall be expressed in agent tonnes, taking into account the rules specified for binary chemical weapons;

"(c) Appropriate agreed levels shall be established for the end of the eighth year after the Convention enters into force. Production capacity that exceeds the relevant level shall be destroyed in equal increments during the first two destruction periods;

"(d) A requirement to destroy a given amount of capacity shall entail a requirement to destroy any other chemical weapons production facility that supplied the Schedule 1 facility or filled the Schedule 1 chemical produced there into munitions or devices;

"(e) Chemical weapons production facilities that have been converted temporarily for destruction of chemical weapons shall continue to be subject to the obligation to destroy capacity according to the provisions of the paragraph.

"4. Each State Party possessing chemical weapons production facilities not covered in paragraph 3 above shall start the destruction of these facilities not later than one year from the date the Convention enters into force for it, and should complete it not later than five years after the Convention enters into force.

"V. PLANS

"A. General Plans

"1. For each facility the following information should be supplied:

"(a) envisaged time-frame for measures to be taken;

"(b) methods of destruction.

"2. In relation to temporary conversion into chemical weapons destruction facility:

"(i) envisaged time-frame for conversion into a destruction facility;

"(ii) envisaged time for utilizing the facility as a destruction facility;

"(iii) description of the new facility;

"(iv) method of destruction of special equipment;

"(v) time-frame for destruction of the converted facility after it has been utilized to destroy chemical weapons;

"(vi) method of destruction of the converted facility.

"B. Detailed plans

"1. The detailed plans for destruction of each facility should contain:

"(a) detailed time schedule of destruction process;

"(b) layout of the facility;

"(c) process flow diagram;

"(d) detailed inventory of equipment, buildings and other items to be destroyed;

"(e) measures to be applied to each item on the inventory;

"(f) proposed measures for verification;

"(g) security/safety measures to be observed during the destruction of the facility;

"(h) working and living conditions to be provided for Inspectors.

"2. In relation to the temporary conversion into a chemical weapons destruction facility.

"In addition to the information contained in part V.B.1 of this Annex the following information should be provided:

"(i) method of conversion into a destruction facility;

"(ii) data on the destruction facility, in accordance with the Annex to Article IV, part IV.3.(c) and (d).

"3. In relation to destruction of a facility that was temporarily converted for destruction of chemical weapons, information should be provided in accordance with part V.B.1 of this Annex.

"VI. INTERNATIONAL VERIFICATION OF DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES AND THEIR CLOSURE, INTERNATIONAL SYSTEMATIC MONITORING, INTERNATIONAL SYSTEMATIC VERIFICATION OF DESTRUCTION OF CHEMICAL WEAPONS PRODUCTION FACILITIES 1/

"1. International verification of declarations of chemical weapons production facilities and of cessation of their activities

"(a) International verification by initial on-site inspections

"(i) The purpose of the international verification of declarations of chemical weapons production facilities shall be:

- to confirm that all activity has ceased except that required for closure;
- to confirm through on-site inspections the accuracy of the declarations made in accordance with Article V.

"(ii) The Inspectors shall conduct this initial verification promptly, and in any event not later than [60] days after a declaration is submitted.

"(iii) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.

"1/ This Section of this Annex will require further discussion and elaboration upon resolution of the definitions of chemical weapons, chemical weapons production facilities, and methods of destruction.

"(iv) Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the State Party. Inspectors may return to maintain and verify the integrity of the devices.

"(b) Co-ordination for international systematic monitoring of chemical weapons production facilities

"In conjunction with the initial on-site inspections to verify declarations of chemical weapons production facilities, the Inspectors shall undertake necessary co-ordination for measures of systematic monitoring of these facilities as provided for in paragraph 4, below.

"2. Agreements on subsidiary arrangements 1/

"(a) Within [6] months after entry into force of the Convention, States Parties shall conclude with the Organization detailed agreements on subsidiary arrangements for the systematic monitoring of their chemical weapons production facilities. Such agreements shall be based on a Model Agreement and shall specify for each production facility the detailed inspection procedures and arrangements for the installation, operation and maintenance of the seals and monitoring devices by the Technical Secretariat, taking into account the specific characteristics of each facility. The Model Agreement shall include provisions to take into account future technological developments.

"(b) States Parties shall ensure that the verification of declarations of chemical weapons production facilities and the initiation of systematic monitoring can be accomplished by the Technical Secretariat at all such facilities within the agreed time-frames after the Convention enters into force. 2/

"3. International verification of closure of chemical weapons production facilities

"Subsequent to the on-site verification of declarations as referred to in paragraph 1, the Inspectors shall conduct on-site inspections at each chemical weapons production facility for the purpose of verifying that measures referred to under (III.B.2) of this Annex have been accomplished.

"1/ The coverage of the subsidiary arrangements is to be discussed.

"2/ Procedures to ensure the implementation of the verification scheme within designated time-frames are to be developed.

"4. International systematic monitoring of chemical weapons production facilities

"(a) The purpose of the international systematic monitoring of a chemical weapons production facility shall be to ensure that no resumption of production of chemical weapons nor removal of declared items would go undetected at this facility.

"(b) The international systematic monitoring shall be initiated as soon as possible after the closure of the chemical weapons production facility and shall continue until this facility is destroyed. Systematic monitoring shall be ensured, in accordance with the agreements on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of Inspectors.

"(c) In conjunction with the on-site verification of the closure of chemical weapons production facilities referred to in paragraph 4 above and, if the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons production facility has been concluded, Inspectors shall install for the purpose of this systematic monitoring a monitoring system as referred to under (e) below. If no such agreement has been concluded, the Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

"(d) In the period before the activation of the monitoring system and at other times when the continuous monitoring with on-site instruments is not feasible, devices installed by Inspectors, in accordance with paragraph 1 above, may only be removed in the presence of an Inspector. If an extraordinary event results in, or requires, the removal of a device when an Inspector is not present, a State Party shall immediately inform the Technical Secretariat and Inspectors will return as soon as possible to validate the inventory and re-establish the devices.

"(e) Monitoring with instruments

"(i) For the purpose of the systematic monitoring of a chemical weapons production facility, Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, *inter alia*, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, *inter alia*, seals and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.

"(ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons production facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the Technical Secretariat if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.

"(iii) When the monitoring system is activated, Inspectors will verify the accuracy of the inventory of declared items at each chemical weapons production facility as required.

"(iv) Data will be transmitted from each production facility to the Technical Secretariat by (means to be determined). The transmission system will incorporate frequent transmissions from the production facility and a query and response system between the production facility and the Technical Secretariat. Inspectors shall periodically check the proper functioning of the monitoring system.

"(v) In the event that the monitoring system indicates any irregularity, the Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the production facility. If, after this examination the problem remained unresolved, the Technical Secretariat would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the production facility if necessary. The Technical Secretariat shall report any such problem immediately after its detection to the State Party who should assist in its resolution.

"(vi) The State Party shall immediately notify the Technical Secretariat if an event at the production facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the Technical Secretariat with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.

"(f) Systematic on-site inspections and visits

"(i) During each inspection, the Inspectors will verify that the monitoring system is functioning correctly and verify the declared inventory as required. In addition, visits to service the monitoring system will be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

"(ii) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated.) The particular production facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected.

"5. International verification of destruction of chemical weapons production facilities

"(a) The purpose of international verification of destruction of chemical weapons production facilities shall be to confirm that the facility is destroyed as such in accordance with the obligations under the Convention and that each item on the declared inventory is destroyed in accordance with the agreed detailed plan for destruction.

"(b) Six months before destruction of a chemical weapons production facility, a State Party shall provide to the Technical Secretariat the detailed plans for destruction to include proposed measures for verification of destruction referred to in Section V.B.1 (f) of the present Annex, with respect to, e.g.:

- timing of the presence of the Inspectors at the facility to be destroyed;
- procedures for verification of measures to be applied to each item on the declared inventory;
- measures for phasing out systematic monitoring or for adjustment of the coverage of the monitoring system.

"(c) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the destruction of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council 1/ for appropriate action with a view to facilitating the full implementation of the Convention.

"(d) To ensure that the provisions of Article V and this Annex are fulfilled, the combined plans for destruction and verification shall be agreed upon between the Executive Council and the State Party. This agreement should be completed [60] days before the planned initiation of destruction.

"1/ The role of the Executive Council in the review process will need to be reviewed in the light of its composition and decision-making process.

"(e) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

"(f) If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Conference of the States Parties. The resolution of any differences over methods of destruction should not delay the execution of other parts of the destruction plan that are acceptable.

"(g) If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of destruction will proceed by the continuous on-site monitoring and presence of Inspectors.

"(h) Destruction and verification should proceed according to the agreed plan. The verification should not unduly interfere with the destruction process and should be conducted through the presence of on-site Inspectors to witness the destruction. 1/

"(i) If required verification or destruction actions are not taken as planned, all States Parties should be so informed. (Procedures to be developed.)

"(j) For those items that may be diverted for permitted purposes. 2/

"(k) When all items on the declared inventory have been destroyed, the Technical Secretariat shall certify, in writing, the declaration of the State Party to that effect. After this certification, the Technical Secretariat shall terminate the international systematic monitoring of the chemical weapons production facility and will promptly remove all devices and monitoring equipment installed by the Inspectors.

"(l) After this certification, the State Party will make the declaration that the facility has been destroyed.

"6. International verification of temporary conversion of a chemical weapons production facility into a chemical weapons destruction facility

(to be elaborated)

"1/ This verification measure may not necessarily be the only one and others, as appropriate, may need to be further elaborated.

"2/ Specification of the items, permitted purposes and methods of verification of disposition will need to be elaborated.

"7. Inspections and visits

"(a) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit a chemical weapons production facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

"(b) A State Party shall make any necessary preparations for the arrival of the Inspectors and shall ensure their expeditious transportation from their point of entry on the territory of the State Party to the chemical weapons production facility. The agreement on subsidiary arrangements will specify administrative arrangements for Inspectors.

"(c) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the chemical weapons production facilities. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items on the declared inventory to be inspected will be chosen by the Inspectors;

- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;

- communicate freely with the Technical Secretariat.

"(d) The State Party receiving the inspection shall, in accordance with agreed procedures:

- have the right to accompany the Inspectors at all times during the inspection and observe all their verification activities at the chemical weapons production facility;

- have the right to inspect any instrument used or installed by the Inspectors and to have it tested in the presence of State Party personnel;

- provide assistance to the Inspectors upon their request for the installation of the monitoring system;

- receive copies of the reports on inspections of its chemical weapons production facility(ies);

- receive copies, at its request, of the information and data gathered about its chemical weapons production facility(ies) by the Technical "(e) The Inspectors 1/ may request clarification of any ambiguities arising from the inspection. In the event that any ambiguities arise which cannot be resolved in the course of the inspections, the Inspectors shall inform the (Director-General of the) Technical Secretariat immediately.

"(f) After each inspection or visit to the chemical weapons production facility, Inspectors shall submit a report with their findings to the (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection or visit.

"1/ The question of whether or not an individual inspector shall have the rights set out in this and the following paragraph remains open.

"ANNEX 1 TO ARTICLE VI

"Régime for chemicals on Schedule 1

"GENERAL PROVISIONS

"1. A State Party shall not produce, acquire, retain, transfer or use chemicals in Schedule 1 unless:

"(i) the chemicals are applied to research, medical, pharmaceutical or protective purposes, and

"(ii) the types and quantities of chemicals are strictly limited to those which can be justified for such purposes, and

"(iii) the aggregate amount of such chemicals at any given time for such purposes is equal to or less than one metric tonne, and

"(iv) the aggregate amount for such purposes acquired by a State Party in any calendar year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than one metric tonne.

"TRANSFERS

"2. A State Party may transfer chemicals in Schedule 1 outside its territory only to another State Party and only for research, medical, pharmaceutical or protective purposes in accordance with paragraph 1.

"3. Chemicals transferred shall not be retransferred to a third State.

"4. Thirty days prior to any transfer to another State Party both States Parties shall notify the Technical Secretariat.

"5. Each State Party shall make a detailed annual declaration regarding transfers during the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall for each chemical in Schedule 1 include the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity acquired from other States or transferred to other States Parties. For each transfer the quantity, recipient and purpose should be included.

"PRODUCTION

"1. Each State Party which produces chemicals in Schedule 1 for research, medical, pharmaceutical or protective purposes shall carry out the production at a single small-scale facility approved by the State Party, the only exceptions being those set forth in paragraphs 2 and 3 below.

"The production at a single small-scale facility shall be carried out in reaction vessels in production lines not configured for continuous operation; the volume of such a reaction vessel shall not exceed 100 litres while the total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.

"2. (a) Production of Schedule 1 chemicals in aggregate quantities not exceeding 10 kg per year may be carried out for protective purposes at one facility outside a single small-scale facility.

"(b) Production of Schedule 1 chemicals in quantities of more than 100 g per year may be carried out for research, medical or pharmaceutical purposes outside a single small-scale facility in aggregate quantities not exceeding 10 kg per year per facility. 1/

"Such facilities shall be approved by the State Party.

"3. Synthesis of Schedule 1 chemicals for research, medical or pharmaceutical purposes, but not for protective purposes, may be carried out at laboratories 2/ [approved by the State Party] in aggregate quantities less than 100 g per year per facility. 3/

"SINGLE SMALL-SCALE FACILITY

"I. Declarations

"A. Initial declarations

"Each State Party which plans to operate such a facility shall provide the Technical Secretariat with the location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams.

"1/ A view was expressed that ultratoxic substances (to be determined) shall not be allowed to be produced in excess of 10 g per year.

"2/ A view was expressed that if so requested by the Technical Secretariat detailed information shall be submitted.

"3/ The question whether transfer of Schedule 1 chemicals from a laboratory should be permitted or not needs further discussion.

For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided six months before operations are to begin.

"B. Advance notifications

"Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not later than ... months before the changes are to take place.

"C. Annual declarations

"(a) Each State Party possessing a facility shall make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 produced, acquired, consumed or stored at the facility, the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the methods employed and quantity produced;

"(iii) the name and quantity of precursor chemicals listed in Schedules 1, 2, Part A or 3 used for production of chemicals in Schedule 1;

"(iv) the quantity consumed at the facility and the purpose(s) of the consumption;

"(v) the quantity received from or shipped to other facilities within the State Party. For each shipment the quantity, recipient and purpose should be included;

"(vi) the maximum quantity stored at any time during the year;

"(vii) the quantity stored at the end of the year.

"3. Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

"(b) Each State Party possessing a facility shall make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than ... months before the beginning of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 produced, consumed or stored at the facility, the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity anticipated to be produced and the purpose of the production.

"3. Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

"II. Verification

"1. The aim of verification activities at the facility shall be to verify that the quantities of Schedule 1 chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed one metric tonne.

"2. The single small-scale facility shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments.

"3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).

"4. Each facility shall receive an initial inspection from inspectors promptly after the facility is declared. The purpose of the Initial inspection shall be to verify information provided concerning the facility, including verification of the limits on the reaction vessels as required under this Annex. The purpose of the initial inspection shall also be to obtain any additional information needed for planning future verification activities at the facility, including inspections and use of on-site instruments.

"5. Within [3] [6] [12] 1/ 2/ months after the entry into force of the Convention each State Party possessing a facility shall conclude an agreement, 3/ based on a model for an agreement, with the Organization, covering detailed inspection procedures for the facility. 4/

"Each State Party planning to establish such a facility after the entry into force of the Convention shall conclude an agreement with the Organization before the facility begins operation or is used.

"Each agreement shall include: (to be developed).

"1/ The view was expressed that the time periods for conclusion of arrangements for different types of facility subject to inspection under the Convention should be rationalized.

"2/ A view was expressed that in light of the need for provisional inspection procedures, pending conclusion of the agreement, 12 months is an undue length of time.

"3/ The view was expressed that negotiations on this agreement should commence immediately after the signing of the Convention.

"4/ The view was expressed that pending conclusion of the agreement between a State Party and the Organization there would be a need for provisional inspection procedures to be formulated.

"FACILITIES COVERED BY PARAGRAPH 2 OF THE SECTION ON PRODUCTION ABOVE

"I. Declarations

"A. Initial declarations

"Each State Party shall provide the Technical Secretariat with the name, location and a detailed technical description of each facility or its relevant part(s) as requested by the Technical Secretariat. The facility producing Schedule 1 chemicals for protective purposes shall be specifically identified. For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided not less than ... before operations are to begin.

"B. Advance notifications

"Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not later than ... before the changes are to take place.

"C. Annual declarations

"(a) Each State Party shall, for each facility, make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity produced;

and, in case of production for protective purposes, methods employed;

"(iii) the name and quantity of precursor chemicals listed in Schedules 1, 2, Part A or 3 used for production of chemicals in Schedule 1;

"(iv) the quantity consumed at the facility and the purpose of the consumption;

"(v) the quantity transferred to other facilities within the State Party. For each transfer the quantity, recipient and purpose should be included;

"(vi) the maximum quantity stored at any time during the year;

"(vii) the quantity stored at the end of the year.

"3. Information on any changes at the facility or its relevant part(s) during the year compared to previously submitted detailed technical description of the facility.

"(b) Each State Party shall, for each facility, make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than ... before the beginning of that year and shall include:

"1. Identification of the facility.

"2. For each chemical in Schedule 1 the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity anticipated to be produced, the time period(s) when the production is anticipated to take place and the purposes of the production.

"3. Information on any anticipated changes at the facility or its relevant part(s), during the year compared to previously submitted detailed technical descriptions of the facility.

"II. Verification

"1. The aim of verification activities at the facility shall be to verify that:

"(i) the facility is not used to produce any chemical listed in Schedule 1, except for the declared chemical;

"(ii) the quantities of the chemical listed in Schedule 1 produced, processed or consumed are correctly declared and consistent with needs for the declared purpose;

"(iii) the chemical listed in Schedule 1 is not diverted or used for other purposes.

"2. The facility shall be subject to systematic international on-site verification through on-site inspection and monitoring with on-site instruments.

"3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).

"4. Each facility shall receive an initial inspection from inspectors promptly after the facility is declared. The purpose of the initial inspection shall be to verify information provided concerning the facility, and to obtain any additional information needed for planning future verification activities at the facility, including inspections and use of on-site instruments.

"5. Within [3] [6] [12] 1/ 2/ months after the entry into force of the Convention each State Party possessing such (a) facility (facilities) shall conclude (an) agreement(s), 3/ based on a model for an agreement, with the Organization, covering detailed inspection procedures for the facility (facilities). 4/

"Each State Party planning to establish such a facility after the entry into force of the Convention shall conclude an agreement with the Organization before the facility begins operation or is used.

"Each agreement shall include: (to be developed).

"1/ The view was expressed that the time periods for conclusion of arrangements for different types of facility subject to inspection under the Convention should be rationalized.

"2/ A view was expressed that in light of the need for provisional inspection procedures, pending conclusion of the agreement, 12 months is an undue length of time.

"3/ The view was expressed that negotiations on this agreement should commence immediately after the signing of the Convention.

"4/ The view was expressed that pending conclusion of the agreement between a State Party and the Organization there would be a need for provisional inspection procedures to be formulated.

"ANNEX 2 TO ARTICLE VI

"Régime 1/ for Chemicals on Schedule 2 Parts A and B

"DECLARATIONS

"The Initial and Annual Declarations to be provided by a State Party under paragraphs 3 and 4 of Article VI shall include:

"1. Aggregate national data on the production, processing and consumption of each chemical listed in Schedule 2, and on the export and import of the chemicals in the previous calendar 2/ year with a specification of the countries involved. 3/

"2. The following information for each facility which, during any of the previous three calendar years, produced, processed or consumed more than 1 tonne 4/ 5/ of chemicals listed in Schedule 2 Part A or which produced at any time [since 1 January 1946] [during the 15 years prior to the entry into force of the Convention] a chemical in Schedule 2 for chemical weapons purposes: 6/

"[The following information for each facility which, during the previous calendar year, produced, processed or consumed more than [10] [100] [1,000] t of the chemicals listed in Schedule 2 Part B.]

"1/ The thresholds for Schedule 2 B need further consideration.

"2/ The question whether the 'calendar year' is the most appropriate 'year' needs further consideration. It was noted, however, that for cross-reference purposes, it would be advisable that all States Parties would use the same 'year'.

"3/ Trading companies need further consideration.

"4/ One delegation expressed the preference that the thresholds for declaration and verification should be based on production capacity.

"5/ The issue of the threshold of 1 tonne, in particular with regard to its application to a 3-year reference period, required further consideration.

"6/ Further discussion is needed on the type of verification which would be required for facilities which have been producing for chemical weapons purposes but no longer produce chemicals on Schedule 2 A. It is suggested that the verification of the declaration with respect to such facilities would be achieved by an initial inspection. If it is then found that the relevant production equipment has been removed or destroyed, no further routine inspections would take place. Otherwise a routine inspection régime would be established. It has been suggested by some delegations to remove the reference to those facilities to the Annex to Article V, while other delegations prefer to keep the text in the relevant Annex to Article VI.

"Chemical(s)

"(i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number (if assigned).

"(ii) The total amount produced, consumed, imported and exported in the previous calendar year or, in the case of the initial declaration, in each of the three previous calendar years. 1/

"(iii) The purpose(s) for which the chemical(s) are produced, consumed or processed:

"(a) conversion on-site (specify product type);

"(b) sale or transfer to other domestic industry (specify final product type);

"(c) export (specify which country);

"(d) other.

"Facility 2/

"(i) The name of the facility and of the owner, company, or enterprise operating the facility.

"(ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).

"(iii) Whether the facility is dedicated to producing or processing the listed chemical or is multi-purpose.

"(iv) The main orientation (purpose) of the facility.

"(v) Whether the facility can readily be used to produce a Schedule 1 chemical or another Schedule 2 chemical. Relevant information should be provided, when applicable.

"(vi) The production capacity for the declared Schedule 2 chemical(s).

"1/ Whether the total amount is to be expressed as an exact figure or within a range is to be discussed.

"2/ The view was expressed that a definition of a chemical production facility was needed and thus should be elaborated.

"(vii) Which of the following activities are performed with regard to the Schedule 2 chemicals:

"(a) production;

"(b) processing with conversion into another chemical;

"(c) processing without chemical conversion;

"(d) other - specify.

"Advance notifications

"3. (a) Each State Party shall annually notify the Technical Secretariat of facilities which intend, during the coming calendar year, to produce, process or consume more than ... of any chemical listed in Schedule 2. The notification shall be submitted not later than ... months before the beginning of that year and shall for each facility include the following information:

"(i) The information specified under paragraph 2 above, except for quantitative information relating to the previous calendar year;

"(ii) For each chemical listed in Schedule 2 intended to be produced or processed, the total quantity intended to be produced or processed during the coming calendar year and the time period(s) when the production or processing is anticipated to take place.

"(b) Each State Party shall notify the Technical Secretariat of any production, processing or consumption planned after the submission of the annual notification under paragraph 3 (a), not later than one month before the production or processing is anticipated to begin. The notification shall for each facility include the information specified under paragraph 3 (a).

"Verification 1/

"Aim

"4. The aim of the measures stipulated in Article VI, paragraph 6 shall be to verify that:

"(i) Facilities declared under this Annex are not used to produce any chemical listed in Schedule 1. 2/

"1/ Some of the provisions contained in this section have general application throughout the Convention. It is understood that the retention of these will be reviewed at a later stage in the negotiations.

"2/ It was suggested that 'or for any other purposes prohibited by the Convention' should be added.

"(ii) The quantities of chemicals listed in Schedule 2 produced, processed or consumed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention. 1/

"(iii) The chemicals listed in Schedule 2 are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

"Obligation and Frequency

"5. (i) Each facility notified to the Technical Secretariat under this Annex which during the previous 3 calendar years produced, processed or consumed more than 10 tonnes of chemicals listed in Schedule 2 Part A over a period of 12 months, shall be subject to systematic international on-site verification on a routine basis. The same applies to any facility which intends to produce, process or consume more than 10 tonnes of such chemicals during a period of 12 months.

"(ii) The number, intensity, duration, timing and mode of inspections and monitoring with on-site instruments for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility and the nature of the activities carried out there. 2/ 3/ The guidelines to be used shall include: (to be developed). 4/

"Selection

"6. The particular facility to be inspected shall be chosen by the Technical Secretariat in such a way to preclude the prediction of precisely when the facility is to be inspected.

"1/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals in Schedule 2.

"2/ One delegation suggested that the number of such inspections could be from one to five per year.

"3/ A number of possible factors that could influence the number, intensity, duration, timing and mode of inspections have been identified and discussed. The result of this work is enclosed in Appendix II to serve as a basis for future work.

"4/ It was noted that a 'weighted approach' might be taken in determining the inspection régime for specific chemicals. The importance of establishing a threshold(s) in this context was also noted. It was mentioned that a threshold(s) should relate to 'militarily significant quantities' of the relevant chemical(s).

"Notification

"7. A State Party shall be notified by the (Director-General of the) Technical Secretariat of the decision to inspect a facility referred to in paragraphs 2 and 3 ... hours prior to the arrival of the inspection team.

"Inspected State Party

"8. The inspected State Party shall have the right to designate personnel to accompany an inspection team. The exercise of this right shall not affect the right of Inspectors to obtain access to the facility, as provided by the Convention, nor shall it delay or otherwise impede the carrying out of the inspection.

"Initial Inspection

"9. Each facility notified to the Technical Secretariat under this Annex shall be liable to receive an initial visit from Inspectors, promptly after the State becomes a Party to the Convention.

"10. The purpose of the initial inspection shall be to verify information provided concerning the facility to be inspected and to obtain any additional information needed for planning future verification activities at the facility, including inspections and use of on-site instruments.

"Agreement on Inspection Procedures

"11. Each State Party shall execute an agreement, based on a model agreement, with the Organization, within [6] months after the Convention enters into force for the State Party, governing the conduct of the inspections of the facilities declared by the State Party. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility. 1/

"12. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the Technical Secretariat. The Model Agreement shall include provisions to take into account future technological developments.

"States Parties shall ensure that the systematic international on-site verification can be accomplished by the Technical Secretariat at all facilities within the agreed time frames after the Convention enters into force. 2/

"1/ Several delegations considered that the model agreement should be elaborated as part of the negotiations on the Convention. A draft for such a model agreement is contained in Appendix II.

"2/ Procedures to ensure the implementation of the verification scheme within designated time frames are to be developed.

"Verification Inspections

"13. The areas of a facility to be inspected under subsidiary arrangements may, inter alia, include: 1/

"(i) areas where feed chemicals (reactants) are delivered and/or stored;

"(ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;

"(iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters, etc.;

"(iv) the external aspect of the reaction vessel and its ancillary equipment;

"(v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;

"(vi) control equipment associated with any of the items under subparagraphs (i) to (v);

"(vii) equipment and areas for waste and effluent handling;

"(viii) equipment and areas for disposition of off-specification chemicals.

"14. (a) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit the facility [48] [12] hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

"(b) A State Party shall make any necessary preparations for the arrival of the Inspectors and shall ensure their expeditious transportation from their point of entry on the territory of the State Party to the facility. The agreement on subsidiary arrangements will specify administrative arrangements for Inspectors.

"1/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals on Schedule 2.

"(c) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all areas that have been agreed for inspection. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;
- transfer, if necessary, samples for analysis off-site at a laboratory designated by the Organization 1/ in accordance with agreed procedures; 2/
- afford the opportunity to the inspected State Party to be present when samples are analysed; 2/
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with; 2/
- communicate freely with the Technical Secretariat.

"(d) The State Party receiving the inspection shall, in accordance with agreed procedures:

- have the right to accompany the Inspectors at all times during the inspection and observe all their verification activities at the facility;
- have the right to retain duplicates of all samples taken and be present when samples are analysed;
- have the right to inspect any instrument used or installed by the Inspectors and to have it tested in the presence of its personnel;

"1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

"2/ The view was expressed that all questions related to analysis off-site required further discussion.

- provide assistance to the Inspectors, upon their request, for the installation of the monitoring system and the analysis of samples on-site;
- receive copies of the reports on inspections of its facility(ies);
- receive copies, at its request, of the information and data gathered about its facility(ies) by the Technical Secretariat.

"15. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspection.

"Submission of Inspectors' Report

"16. After each inspection or visit to the facility, Inspectors shall submit a report with their findings to the (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection or visit.

"17. The Inspectors may request clarification of any ambiguities arising from the inspection. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the Inspectors shall inform the (Director-General of the) Technical Secretariat immediately.

"ANNEX 3 TO ARTICLE VI

"Régime for Chemicals on Schedule 3

"DECLARATIONS

"1. The Initial and Annual Declarations to be provided by a State Party under paragraph 4 of Article VI shall include the following information for each of the chemicals listed in Schedule 3:

"(i) The chemical name, common or trade name used by the facility, structural formula and Chemical Abstracts Service Registry Number.

"(ii) The total amount produced, processed, consumed, imported and exported in the previous calendar year, whenever such an amount is above 30 tonnes. 1/

"(iii) The final product or end use of the chemical in accordance with the following categories (to be developed).

"(iv) For each facility which during the previous calendar year produced, processed, consumed or transferred more than 30 tonnes of a chemical listed in Schedule 3 or which produced 2/ at any time [since 1 January 1946] [during the [15] years prior to the entry into force of the Convention] a chemical in Schedule 3 for chemical weapons purposes: 3/

"(a) The name of the facility and of the owner, company, or enterprise operating the facility.

"(b) The location of the facility.

"1/ A view was expressed that the amount of 30 tonnes would be subject to change in case changes are made in Schedule 3.

"2/ A view was expressed that the question of a quantitative threshold would need to be discussed in this context.

"3/ It has been suggested by some delegations to remove the reference to those facilities to the Annex to Article V, while other delegations prefer to keep the text in the relevant Annex to Article VI.

"(c) The Production Capacity of the facility.

" ['(d) The approximate amount of production, processing and consumption of the chemical in the previous calendar year, expressed in the ranges: up to 100 tonnes, 100-1,000 tonnes, 1,000-10,000 tonnes, and above 10,000 tonnes specified to the nearest 10,000 tonnes.]

"2. A State Party shall notify the Technical Secretariat of the name and location of any facility which intends, in the calendar year following submission of the Annual Declaration, to produce, process or consume any of the chemicals listed in Schedule 3 above [10] [30] tonnes.'

"VERIFICATION

"The verification régime for chemicals listed in Schedule 3 will comprise both the provision of data by a State Party to the Technical Secretariat and the monitoring of that data by the Technical Secretariat. 1/

"1/ Some delegations consider that provision should be made for resort to an on-site 'spot-check' inspection, if required, to verify information supplied by a State Party. Other delegations believe that the provisions of Articles VII, VIII and IX of the Convention are sufficient in this respect.

"OTHER DOCUMENTS

"Preparatory Commission 1/

"1. For the purpose of carrying out the necessary preparations for the effective operation of the provisions of the Convention and for preparing for the first session of the Conference of the States Parties, the Depositary of the Convention shall convene a Preparatory Commission not later than [30] days after the Convention has been signed by (to be determined) States.

"2. The Preparatory Commission shall be composed of all States which sign the Convention before its entry into force. Each signatory State shall have one representative in the Preparatory Commission, who may be accompanied by alternates and advisers.

"3. The Commission shall be convened at [...] and remain in existence until the first session of the Conference of the States Parties has convened.

"4. The expenses of the Commission shall be met by the States signatories to the Convention, participating in the Commission, [in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission].

"5. All decisions of the Preparatory Commission should be taken by consensus. If notwithstanding the efforts of representatives to achieve consensus, an issue comes up for voting, the Chairman of the Preparatory Commission shall defer the vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Commission prior to the end of the period. If consensus is not possible at the end of 24 hours, the Commission shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on questions of substance shall be taken by two-thirds majority of the members present and voting. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Preparatory Commission by the majority required for decisions on questions of substance. 2/

"1/ Provisions on the Commission could be contained in a resolution of the United Nations General Assembly commending the Convention or in an appropriate document associated with the Convention.

"2/ It has also been proposed that decisions should be taken by consensus only.

"6. The Commission shall:

"(a) elect its own officers, adopt its own rules of procedures, determine its place of meeting, meet as often as necessary and establish such committees as it deems useful;

"(b) appoint an executive secretary and staff to exercise such functions as the Commission may determine with a view to establishing a provisional Technical Secretariat with units in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat to be established by the Convention;

"(c) make arrangements for the first session of the Conference of the States Parties, including the preparation of a draft agenda and draft rules of procedure;

"(d) undertake, inter alia, the following tasks on subjects requiring immediate attention after the entry into force of the Convention:

"(i) the detailed staffing pattern of the Technical Secretariat, including decision-making flow charts;

"(ii) assessments of personnel requirements;

"(iii) staff rules for recruitment and service conditions;

"(iv) recruitment and training of technical personnel;

"(v) standardization and purchase of equipment;

"(vi) organization of office and administrative services;

"(vii) recruitment and training of support staff;

"(viii) establishment of the scale of financial contribution for the Organization; 1/

"(ix) establishment of administrative and financial regulations;

"(x) preparation of host country agreement;

"(xi) preparation of guidelines for initial visits and facility attachments;

"1/ The view was expressed that the entire problem of the costs of the Organization needs to be considered.

"(xii) preparation of programme of work and budget of the first year of activities of the Organization;

"(xiii) preparation of such studies, reports and recommendations as it deems necessary.

"7. The Commission shall prepare a final report on all matters within its mandate for the first session of the Conference of the States Parties and the first meeting of the Executive Council.

"8. At the first session of the Conference of the States Parties, the property and records of the Preparatory Commission shall be transferred to the Organization.

"ADDENDUM TO APPENDIX I

"PROTOCOL ON INSPECTION PROCEDURES [1]

"Contents

Page

"Part I: General

"I. Definitions 204
"II. Designation of Inspectors and Inspection Assistants 205
"III. Privileges and Immunities 207
"IV. Standing Arrangements 210
  "A. Points of Entry 210
  "B. Arrangements for use of unscheduled aircraft 211
  "C. Administrative arrangements 211
  "D. Approved equipment 212
"V. Pre-inspection Activities 213
  "A. Notification 213
  "B. Entry into the territory of the inspected State Party or host State and Transfer to the Inspection Site 214
  "C. Pre-inspection Briefing 215
"VI. Conduct of Inspections 215
  "A. General Rules 215
  "B. Safety 217
  "C. Communications 217
  "D. Inspection Team and Inspected State Party Rights 218

"[1] The texts contained in this document require further consideration and elaboration including the level of detail required in this Protocol as well as the overlap between detail in the Annexes and in this Protocol. Some delegations held that many of the details should not be included in the Protocol and that they should rather be the subject of an Inspectors' manual to be issued by the Technical Secretariat. Also the status of this Protocol and the question of amendment procedures to be applied to the provisions contained in the Protocol require further discussion.

"Contents (continued)

Page

"E. Collection, handling and analysis of samples 219

"F. Extension of Inspection Duration 220

"G. Debriefing 221

"VII. Departure 221

"VIII. Reports 221

"Part II: Routine Inspections pursuant to Articles IV, V and VI

"I. Initial inspections and facility agreements 223

"II. Size of the Inspection Team 223

"III. Standing Arrangements 224

"A. Continuous Monitoring by Instruments 224

"B. Inspection Activities relating to continuous monitoring by instruments 225

"IV. Pre-inspection Activities 226

"V. Departure 226

"Part III: Challenge Inspections conducted pursuant to Article IX

"I. Designation and selection of Inspectors and Inspection Assistants 227

"II. Pre-inspection Activities 228

"A. Notification 228

"B. Entry into the territory of the Inspected State Party or host State 229

"C. Securing the site 230

"D. Pre-inspection Briefing 230

"III. Conduct of Inspections 231

"A. General Rules 231

"B. Managed Access 231

"C. Observer[s] 233

"D. Sampling 233

"E. Extension of inspection site 234

"F. Duration of an inspection 234

"Contents (continued)

Page

"IV. Departure 234
"V. Reports 235
  "A. Contents 235
  "B. Procedures 235

"Part IV: Procedures in cases of alleged use of Chemical Weapons

"I. General 236
"II. Pre-inspection activities 236
  "A. Request for an investigation 236
  "B. Notification 236
  "C. Assignment of inspection team 237
  "D. Dispatch of inspection team 237
  "E. Briefings 238
"III. Conduct of inspections 238
  "A. Access 238
  "B. Sampling 238
  "C. Extension of the inspection site 238
  "D. Extension of inspection duration 239
  "E. Interviews 239
"IV. Reports 239
  "A. Procedures 239
  "B. Contents 239
"V. States not party 240

"PART I: GENERAL

"I. Definitions

"'Inspector' means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part I, Section II of this Protocol to carry out an inspection in accordance with the Convention, its annexes, and facility agreements between States Parties and the Organization of the Convention.

"'Inspection assistant' means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part I, Section II of this Protocol to assist inspectors in an inspection (e.g. medical, security, administration, interpreters).

"'Inspection Team' means the group of inspectors and inspection assistants assigned by the Director-General of the Technical Secretariat to conduct a particular inspection.

"'Inspected State Party' means the State Party to the Convention on whose territory an inspection pursuant to the Convention, its annexes and facility agreements between Parties and the Organization of the Convention takes place, or the State Party to the Convention whose facility on the territory of a host State is subject to such an inspection.

"'Inspection Site' means any area or facility at which the inspection is carried out and which is specifically defined in the respective facility agreement or inspection mandate or request.

"'Period of Inspection' means the period of time from arrival of the inspection team at the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

"'Point of Entry' means the location(s) designated for the in-country arrival of inspection teams for inspections pursuant to the Convention and for their departure after completion of their mission.

"'In-Country Period' means the period from the arrival of the inspection team at a point of entry until its departure from the State at a point of entry.

"'Host State' means that State on whose territory lie States Parties' facilities subject to inspection under the Convention.

"'In-Country Escort' means individuals specified by the inspected State Party and, if appropriate, by the Host State, if they so wish to accompany and assist the inspection team during the in-country period.

"'Routine Inspections' means the systematic, on-site inspection [, subsequent to initial inspections,] of facilities declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"'Initial inspection' means the first on-site inspection of facilities to verify data declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"'Challenge Inspection' means the inspection of a State Party requested by another State Party pursuant to Article IX, part II.

"'Requesting State Party' means a State Party which has requested a challenge inspection pursuant to Article IX.

"'Observer' means a representative of a requesting State Party designated by that State Party to observe a challenge inspection.

"'Approved Equipment' means the devices and/or instruments necessary for the performance of the inspection team's duties that have been certified by the Technical Secretariat in accordance with agreed procedures. Such equipment may also refer to the administrative supplies or recording materials that would be used by the inspection team.

"'Facility Agreement' means an agreement between a State Party and the Organization relating to a specific facility subject to routine inspection.

"'Inspection Mandate' means the instructions issued by the Director-General of the Technical Secretariat to the inspection team for the conduct of a particular inspection.

"II. Designation of inspectors and inspection assistants

"1. Not later than ... days after entry into force of the Convention the Technical Secretariat shall communicate, in writing, to all States Parties the names, nationality and ranks of the Inspectors and inspection assistants proposed for designation. 1/ Furthermore, it shall furnish a description of their qualifications and professional experience.

"1/ It has been suggested that, in order to facilitate early implementation of the verification activities, States might, upon signature or thereafter before the entry into force, make declarations concerning the number and types of facilities which shall be subject to verification. The Preparatory Commission, on the basis of these declarations, might initiate the designation and clearance process.

"2. Each State Party shall immediately acknowledge receipt of the list of Inspectors and inspection assistants, proposed for designation communicated to it. Any Inspector and inspection assistant included in this list shall be regarded as designated unless a State Party, within [30] days 1/ after acknowledgement of receipt of the list declares its non-acceptance.

"In the case of non-acceptance, the proposed Inspector or inspection assistant shall not undertake or participate in verification activities within the State Party which has declared his non-acceptance. The Director-General shall, as necessary, submit further proposals in addition to the original list.

"3. Verification activities under the Convention shall only be performed by designated Inspectors and inspection assistants.

"4. Subject to the provisions of paragraph 5 below a State Party has the right at any time, to object to an Inspector or inspection assistant who may have been already designated in accordance with the procedures in paragraph 1 above.

"It shall notify the Technical Secretariat of its objections [and include the reason for the objection.] Such objections shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State Party concerned of the withdrawal of the designation of the Inspector or inspection assistant.

"5. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team for that inspection any of the designated inspectors or inspection assistants named in the inspection team list. 2/

"6. The number of Inspectors and inspection assistants accepted by and designated to a State Party must be sufficient to allow for availability and rotation of appropriate numbers of Inspectors and inspection assistants.

"7. If, in the opinion of the Director-General the non-acceptance of proposed Inspectors or inspection assistants impedes the designation of a sufficient number of Inspectors or inspection assistants or otherwise hampers the effective fulfilment of the task of the Inspectorate, the Director-General shall refer the issue to the Executive Council.

"1/ The time period should not be longer than 30 days. Otherwise the obligation to make declarations within 30 days after entry into force and immediately thereafter provide access for inspection cannot be met.

"2/ A view was expressed that new information on the bona fides of designated inspectors could be a reason for objecting to their being included in the inspection team.

"8. Whenever amendments to the above-mentioned lists of Inspectors and inspection assistants are necessary or requested, replacement Inspectors and inspection assistants shall be designated in the same manner as set forth with respect of the initial list.

"9. The members of the inspection team carrying out an inspection of a facility of a State Party located in the territory of another State Party shall be designated in accordance with the procedures set out in this Protocol both to the inspected State Party and the host State.

"III. Privileges and immunities 1/

"1. Each State party shall, within [30] days 2/ after acknowledgement of receipt of the list of Inspectors and inspection assistants or of changes thereto and for the purpose of carrying out inspection activities, provide for multiple entry/exit and/or transit visas and other such documens which each Inspector or inspection assistant may need to enter and to remain on the territory of that State Party. These documents shall be valid for at least 24 months from the date of their provision to the Technical Secretariat.

"2. To exercise their functions effectively, Inspectors and inspection assistants shall be accorded privileges and immunities as set forth in paragraph (i) through (ix). Privileges and immunities shall be granted to members of the inspection team for the sake of the Convention and not for the personal benefit of the individuals themselves. Privileges and immunities shall be accorded for the period of transit through non-inspected States Parties, for the entire in-country period, and thereafter with respect to acts previously performed in the exercise of official functions as Inspector or inspection assistant. 3/

"(i) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

"1/ Some delegations expressed the view that this section required further consideration. A view was expressed that Article VI ('Experts on mission for the United Nations') of the Convention on the Privileges and Immunities of the United Nations should be taken into account in this later consideration.

"2/ The time period should not be longer than 30 days. Otherwise the obligation to make declarations within 30 days after entry into force and immediately thereafter provide access for inspection cannot be met.

"3/ The rights and privileges of the Inspectors and inspection assistants during transportation over and through non-States Parties needs further consideration.

"(ii) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to the Convention shall be accorded the inviolability and protection accorded the premises of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations.

"(iii) The records of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat.

"(iv) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in the Convention and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant transport regulations.

"(v) The members of the inspection team shall be accorded the immunities accorded diplomatic agents pursuant to paragraphs 1, 2 and 3 of Article 31 of the Vienna Convention on Diplomatic Relations.

"(vi) The members of the inspection team carrying out their prescribed activities pursuant to the Convention shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

"(vii) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party or host State, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

"(viii) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.

"(ix) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party or that of the host State.

"3. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party or host State and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State.

"If the inspected party or host State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the Party and the Director-General of the Technical Secretariat to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

"The immunity from jurisdiction of members of the inspection team may be waived by the Director-General of the Technical Secretariat in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Convention. Waiver must always be express.

"[4. If at any time, a member of the inspection team is on the territory of the inspected State Party or host State and is suspected or accused of violating a law or regulation, consultations shall be held between the State concerned and the inspection team chief to determine whether such an abuse has occurred, and if so determined, to prevent a repetition of such an abuse. If requested by the inspected State Party or host State, the Director-General of the Technical Secretariat shall remove that individual from the country. If the inspection team chief is the individual suspected or accused, the inspected State Party shall have the right to communicate with the Director-General of the Technical Secretariat and request their removal and replacement. The deputy team chief shall assume the duty of team chief until the Technical Secretariat has acted on the inspected State Party's request.]

"[5. If the inspected State Party so decides, Inspectors and inspection assistants monitoring destruction of chemical weapons during the active phase of destruction pursuant to article IV and its annex shall only be allowed to travel 1/ up to (...) kilometres from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected State Party shall be accompanied by the in-country escort. Such travel shall be taken solely as leisure activity. 2/]

"1/ It is understood that 'travel' does not imply the right of access to areas restricted for security reasons or to private property.

"2/ Further study on the rights of members of an inspection team to communicate with the embassy of their respective nationality is necessary.

"IV. Standing arrangements

"A. Points of entry

"1. Each State Party shall designate the points of entry and shall supply the required information to the Technical Secretariat not later than 30 days after the Convention enters into force. 1/ These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within [12] hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat.

"2. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective ... days after the Technical Secretariat receives such notification to allow appropriate notification to all States Parties.

"3. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

"4. In cases where facilities of an inspected State Party are located in the territory of another State Party or where the access from the point of entry to the facilities subject to inspection requires transit through the territory of another State, inspections shall be carried out in accordance with this Protocol.

"States Parties on whose territory facilities of other States Parties subject to inspection are located shall facilitate the inspection of those facilities and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner.

"5. In cases where facilities of an inspected State Party are located in the territory of a non-State Party the State Party subject to inspection shall ensure that inspections of those facilities can be carried out in accordance with the provisions of this Protocol. A State Party that has one or more facilities on the territory of a non-State Party shall ensure acceptance by the host State of inspectors and inspection assistants designated to that State Party.

"1/ In order to ensure that the process of designation of Inspectors and inspection assistants, as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

"B. Arrangements for use of unscheduled aircraft

"1. For inspections pursuant to Article IX and for other inspections where timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilize aircraft owned or chartered by the Technical Secretariat. Within 30 days after entry into force of the Convention, each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the States Parties and the Technical Secretariat as the basis for such diplomatic clearance.

"2. When a non-scheduled aircraft is used, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the State in which the inspection site is located to the point of entry, no less than [6] hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. For its owned or chartered flights, the Technical Secretariat shall include in the remarks section of each flight plan the standing diplomatic clearance number and the notation: 'Inspection aircraft. Priority clearance processing required.'

"3. No less than [3] hours prior to the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the country in which the inspection is to take place, the inspected State Party [or host State Party] shall ensure that the flight plan filed in accordance with paragraph 2 of this section is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

"4. The inspected State Party shall provide parking, security protection, servicing and fuel as required for the aircraft of the inspection team at the point of entry when such aircraft is owned or under charter to the Technical Secretariat. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The Technical Secretariat shall bear the cost of such fuel, [security] and servicing. 1/

"C. Administrative arrangements

"The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other

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"1/ The Technical Secretariat will need to negotiate arrangements for costs of such services.

tasks, transportation, working space, lodging, meals and medical care of the inspection team. In this regard, the inspected State Party shall be reimbursed by the Organization for such costs incurred by the inspection team (details to be developed).

"D. Approved equipment

"1. Subject to paragraph 3 of this section there shall be no restriction by the inspected State Party on the inspection team bringing on to the inspection site such approved equipment which the Technical Secretariat [and the States Parties] [has] [have] determined to be necessary to fulfil the inspection requirements. 1/

"[This includes, inter alia, equipment for discovering and preserving evidence related to the compliance with the Convention, temporary and permanent monitoring equipment and seals for emplacement, equipment for discovering and preserving information, equipment for recording and documenting the inspection, as well as for communication 2/ with the Technical Secretariat and for determining that the inspection team has been brought to the site for which the inspection has been requested.] The Technical Secretariat shall to the extent possible prepare and, as appropriate, update a list of approved equipment, which may be needed for the purposes described above, and regulations governing such equipment which shall be in accordance with this Protocol. In establishing the list of approved equipment and these regulations, the Technical Secretariat should ensure that safety considerations for all the types of facilities at which such equipment is likely to be used, are taken fully into account. 3/ 4/

"2. The equipment shall be in the custody of the Technical Secretariat and be designated, calibrated and approved by the Technical Secretariat. The Technical Secretariat shall, to the extent possible, select that equipment

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"1/ A view was expressed that further consideration should be given to the conclusion of bilateral agreements between the Technical Secretariat and the States Parties on the instruments and devices to be used in the inspections in order to guarantee that they are reliable and applicable.

"2/ The issue of communications requires further consideration.

"3/ Further consideration needs to be given to when and how such equipment will be agreed and to what extent it will need to be specified in the Convention.

"4/ The relationship between equipment for routine inspections and challenge inspections and provisions for their respective uses will need to be considered.

which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration. [The Technical Secretariat shall certify that the equipment meets agreed standards.]

"3. The inspected State Party shall have the right, without prejudice to the prescribed time-frames to inspect the equipment in the presence of inspection team members at the point of entry, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party or host State. To facilitate such identification, the Technical Secretariat shall attach documents and devices to authenticate its designation and approval of the equipment. The inspection of the equipment shall also ascertain to the satisfaction of the inspected State Party that the equipment meets the description of the approved equipment for the particular type of inspection. The inspected State Party may exclude equipment not meeting that description or equipment without the above-mentioned authentication documents and devices. [Excluded equipment shall be kept at the point of entry until the inspection team leaves the respective State. Storage of the inspection team's equipment and supplies at the point of entry shall be in tamper-indicating containers provided by the inspection team within a secure facility provided by the inspected State Party. Access to each secure facility shall be controlled by a 'dual key' system requiring the presence of both the inspected party and representative of the inspection team to gain access to the equipment and supplies. The Technical Secretariat may allow a State Party to maintain equipment storage as described here in lieu of bringing it in for each inspection in accordance with the agreement between the State Party concerned and the Technical Secretariat.]

"4. In cases where the inspection team finds it necessary to use equipment available on site not belonging to the Technical Secretariat and requests the inspected State Party to enable the team to use such equipment, the inspected State Party shall comply with the request to the extent it can. 1/

"V. PRE-INSPECTION ACTIVITIES

"A. Notification

"1. The Director-General of the Technical Secretariat shall notify the State Party prior to the planned arrival of the inspection team at the point of entry and within the prescribed timeframes where specified of its intention to carry out an inspection.

"1/ A view was expressed that the possibility of agreed procedures should be considered in this regard.

"2. Notifications made by the Director-General of the Technical Secretariat shall include the following information:

- the type of inspection;
- the point of entry; 1/
- the date and estimated time of arrival at the point of entry;
- the means of arrival at the point of entry;
- [the site to be inspected];
- the names of Inspectors and inspection assistants;
- if appropriate, aircraft clearance of special flights;
- the names of the observer[s] of the requesting State Party in the case of a challenge inspection.

"[The inspection site shall be specified by the chief of the inspection team at the point of entry not later than 24 hours after the arrival of the inspection team.]

"3. The inspected State Party shall within [one] hour acknowledge the receipt of a notification by the Technical Secretariat of an intention to conduct an inspection.

"4. In the case of an inspection of a facility of a State Party located in the territory of another State Party both States Parties shall be simultaneously notified in accordance with paragraphs 1, 2, 3 of this section.

"B. Entry into the territory of the inspected State Party or host State and transfer to the inspection site

"1. The State Party [or host State Party] which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort [if such an escort is requested] do everything in its power to ensure the safe conduct of the inspection team and its equipment and supplies, from its point of entry to the inspection site(s) and to its point of exit.

"1/ A view was expressed that for routine inspections it could be agreed in the facility agreement that notification of the point of entry would not be needed.

"2. In accordance with paragraphs 4 and 5 of Section IV A. above, the inspected State Party [or host State Party] shall ensure that the inspection team is able to reach the inspection site within [12] 1/ hours from the arrival at the point of entry or, if appropriate, from the time the inspection site is specified at the point of entry. 2/

"C. Pre-inspection briefing

"Upon arrival at the inspection site and prior to the commencement of the inspection, the inspection team shall be briefed, with the aid of maps and other documentation as appropriate, by facility representatives on the facility, the activities carried out there, safety measures and administrative and logistic arrangements necessary for the inspection. The time spent for the briefing shall be limited to the minimum necessary and in any event not exceeding three hours.

"VI. CONDUCT OF INSPECTIONS

"A. General rules

"1. The members of the inspection team shall discharge their functions in accordance with the articles and annexes of the Convention, this Protocol as well as rules established by the Director-General of the Technical Secretariat and facility agreements between States Parties and the Organization. 3/ 4/

"1/ Further study is required on whether a longer or shorter time period is feasible.

"2/ The view was expressed that because the specific point of entry utilized as well as the time of arrival would be selected by the Technical Secretariat and to avoid prematurely revealing the site during some types of inspections the closest point of entry may not be chosen, the inspected State Party could not be held responsible for ensuring that the inspection team reaches the site within a specified time frame, although it should undertake to avoid the use of delaying tactics.

"3/ A detailed manual of technical procedures should be prepared for the guidance of teams conducting challenge inspections and for the inspected State Party to know what the rights, obligations and constraints of the inspectors, escorts and inspected State Party are. A view was expressed that the manual should, inter alia, give guidance to the inspection team on the specific types of information a team should seek to establish the facts in particular situations.

"4/ A view was expressed that an Inspector or inspection assistant shall be considered to have assumed his inspection duties on departure from his primary work location, on Technical Secretariat arranged transportation, and shall be considered to have ceased performing those duties when he has returned to his primary work location and on termination of Technical Secretariat provided transportation.

"2. The inspection team dispatched shall strictly observe the inspection mandate issued by the Director-General of the Technical Secretariat. [1] It shall refrain from activities going beyond this mandate. [2] [3]

"3. The activities of the inspection team shall be so arranged as to ensure on the one hand the timely and effective discharge of the inspector's functions and, on the other, the least possible inconvenience to the State concerned and disturbance to the facility or other location inspected. The inspection team shall avoid unnecessarily hampering or delaying the operation of a facility and avoid affecting its safety. In particular, the inspection team shall not operate any facility.

"If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the management of the facility to have them performed. The representative shall carry out the request to the extent possible.

"4. In the performance of their duties on the territory of an inspected State Party, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of this State, but the inspection team must not thereby be delayed or otherwise hindered in the exercise of its functions. [4]

"[1] The use of the terms 'Technical Secretariat' and 'Director-General of the Technical Secretariat' needs to be reviewed throughout the Convention.

"[2] A view was expressed that for challenge inspections the inspection mandate would have to be flexible enough for the inspection team to tailor the inspection to the conditions they meet on the site.

"[3] The question of what actions shall be taken in case an inspector or an inspection assistant goes beyond the mandate should be further considered.

"[4] The right of host State representatives need to be further considered.

"5. [At least two Inspectors on each team must speak the language of the Convention which the inspected Party has agreed to work in. 1/ 2/ Each inspection team shall operate under the direction of a team leader and deputy team leader designated by the Director-General of the Technical Secretariat.] Upon arrival at the inspection site, the inspection team may divide itself into subgroups consisting of no fewer than two Inspectors each.

"B. Safety

In carrying out their activities, Inspectors and inspection assistants shall observe safety regulations established at the inspection site, 3/ including those for the protection of controlled environments within a facility and for personal safety. Individual protective clothing and approved equipment, duly certified, shall normally be provided by the Technical Secretariat. 4/ 5/

"C. Communications

Inspectors shall have the right throughout the in-country period to communications with the Headquarters of the Technical Secretariat. For this purpose they [may use their own, duly certified, approved equipment and/or] may request that the inspected State Party or host State Party provide them with access to other telecommunications. 6/ The inspection team shall have

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"1/ Consideration should be given to include provision in the Convention for the selection by States Parties of what language of the Convention they will operate in for the conduct of inspections and submission of reports to the Technical Secretariat.

"2/ The Technical Secretariat should also make arrangements for interpreters for national languages of States Parties, to the extent possible, to facilitate inspections.

"3/ Consideration will need to be given with regard to those areas which for safety reasons preclude or limit the entrance of personnel (e.g. unexploded munitions, hazardous areas of destruction facilities).

"4/ Agreements between the Technical Secretariat and States Parties should specify that all protective clothing and equipment meet pre-agreed safety standards or a State Party may require the team to use the clothing and equipment of the Party.

"5/ For safety reasons, the inspected State Party should have the right to provide appropriate alternative equipment and protective clothing of its own for the inspection team, provided this does not hinder the conduct of the inspection.

"6/ The issue of communications requires further consideration.

the right to use its own 1/ two-way system of radio communications between personnel patrolling the perimeter and other members of the inspection team. [Communication systems should conform to power and frequency instructions established by the Technical Secretariat.]

"D. Inspection team and inspected State Party rights

"1. The inspection team shall, in accordance with the relevant articles and annexes of this Convention as well as with facility agreements, have the right to unimpeded access to the inspection site. The items to be inspected will be chosen by the inspectors.

"2. Inspectors shall have the right to interview any facility personnel in the presence of representatives of the inspected State Party with the purpose of establishing relevant facts. Inspectors shall only request information and data which are necessary to the conduct of the inspection, and the inspected State Party shall furnish such information upon request. The inspected State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the inspection. If the inspection team chief objects and states their relevance, the questions shall be provided in writing to the Inspected Party for reply. The inspection team may note any refusal to permit interviews or to allow questions to be answered and any explanations given, in that part of the Inspection Report that deals with the co-operation of the Inspected State Party.

"3. Inspectors shall have the right to inspect documentation and records they deem relevant to the conduct of their mission.

"4. Inspectors shall have the right to have photographs taken at their request by representatives of the inspected State Party. The capability to take instant development photographic prints shall be available.

"[If requested by the inspection team, such photographs should show the size of an object by placing a measuring scale, provided by the inspection team, alongside that object during the photographing.] The inspection team should determine whether photographs conform to those requested, and if not, repeat photographs should be taken. The inspection team and the inspected State Party should each retain one copy of every photograph.

"5. The inspected State Party shall have the right to accompany the inspection team at all times during the inspection and observe all their verification activities.

"1/ For safety reasons, the inspected State Party should have the right to provide appropriate alternative equipment and protective clothing of its own for the inspection team, provided this does not hinder the conduct of the inspection.

"6. The inspected State Party shall receive copies, at its request, of the information and data gathered about its facility(ies) by the Technical Secretariat.

"7. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the representative of the inspected State Party. The representative of the inspected State Party shall provide the inspection team, during the inspection, with such clarifications as may be necessary to remove the ambiguity. In the event questions relating to an object or a building located within the inspection site are not resolved, the object or building shall be photographed for the purpose of clarifying its nature and function. If the ambiguity cannot be removed during the inspection, the Inspectors shall notify the Technical Secretariat immediately. The Inspectors shall include any such unresolved question, relevant clarifications and a copy of any photographs taken in the inspection report.

"E. Collection, handling and analysis of samples

"1. Except as provided for in parts III and IV of this Protocol representatives of the inspected State Party or of the inspected facility shall take samples at the request of the inspection team in the presence of inspectors. If so agreed in advance with the representatives of the inspected State Party or of the inspected facility the inspection team may take samples themselves.

"2. Where possible, the analysis of samples shall be performed on-site. The inspection team shall have the right to perform on-site analysis of sample using approved equipment brought by them. Alternatively they may request that appropriate analysis on-site be performed in their presence.

"3. The inspected State Party has the right to retain portions of all samples taken or take duplicate samples and be present when samples are analysed on-site.

"4. The inspection team shall, if they deem it necessary, transfer samples for analysis off-site at laboratories designated by the Organization. 1/ 2/ 3/

"1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

"2/ In cases of off-site analysis, the question should be further discussed of documentation that should be provided by the Technical Secretariat to the inspected facilities (inspected State Party) concerning the acknowledgement of receipt of the samples at the designated laboratories, possible transfer as well as final destination (retention, return or destruction) of the unused samples or portions thereof.

"3/ Transportation of toxic samples and existing international transportation regulations will need to be addressed.

"5. The Director-General of the Technical Secretariat shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for analysis off-site is protected. He shall

"(i) establish a stringent régime governing the collection, handling, transport and analysis of samples;

"(ii) certify the laboratories designated to perform different types of analysis;

"(iii) oversee the standardization of equipment and procedures at these designated laboratories and mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories and mobile equipment/procedures; and

"(iv) select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

"6. When off-site analysis is to be performed samples shall be analysed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples 1/ or portions thereof shall be returned to the Technical Secretariat.

"7. The Technical Secretariat shall compile the results of the laboratory analysis of samples and include them in the final inspection report. The Technical Secretariat shall include in the report detailed information concerning the equipment and methodology employed by the designated laboratories.

"F. Extension of inspection duration

"[Periods of inspection may be extended by agreement with the in-country escort, by no more than (xx hours).] 2/

"1/ Consideraton should be given to the retention of unused samples taken during challenge inspection for which the findings were inconclusive.

"2/ The view was expressed that, as no fixed period was foreseen for routine inspections, this paragraph might be superfluous. The view was also expressed that for some kinds of routine inspections there cannot be any time-limit without changing the substance of agreed provisions of articles IV and V and their annexes.

"G. Debriefing

"1. Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardized format together with a list of any samples and copies of written information and data gathered and other material to be taken off site. 1/ The document shall be signed by the head of the inspection team. In order to indicate that he has taken notice of the contents of the document the representative of the inspected State Party shall countersign the document. This meeting shall be completed within [4] [24] hours of the completion of the inspection.

"VII. DEPARTURE

"[In the case of inspections conducted pursuant to articles IV, V, VI and IX, upon completion of the post-inspection procedures, the inspection team shall return promptly to the point of entry at which it entered the inspected State and it shall then leave, within 24 hours, the territory of that State.] 2/

"VIII. REPORTS

"1. Within [10] days after the inspection, Inspectors shall prepare a final report 3/ on the activities conducted by them and on their findings. The report shall be factual in nature. It shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected co-operated with the inspection team. Differing observations 4/ held by Inspectors may be attached to the report. The report shall be kept confidential.

"1/ A view was expressed that for routine inspection the question of off-site transfer of "copies of written information and data gathered and other material" needs further examination, in particular as regards the confidentiality aspect.

"2/ The view was expressed that this paragraph could not apply to routine inspections.

"3/ Further consideration needs to be given on when and how the receiving State/facility will be able to comment on the contents of the report.

"4/ It is understood that it is not up to the inspection team to draw conclusions with regard to compliance of a State Party from the facts established during an inspection.

"2. The final report shall immediately be submitted to the inspected State Party. Any written comments, which the inspected State Party may immediately make on its findings shall be annexed to it. The final report together with annexed comments made by the inspected State Party shall be submitted to the Director-General of the Technical Secretariat not later than [30] days after the inspection.

"3. Should the report contain uncertainties, or should co-operation between the National Authority and the Inspectors not measure up to the standards required, the Director-General of the Technical Secretariat shall approach the State Party for clarification.

"4. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Director-General of the Technical Secretariat shall inform the Executive Council without delay.

"PART II: ROUTINE INSPECTIONS PURSUANT TO ARTICLES IV, V AND VI

"I. INITIAL INSPECTIONS AND FACILITY AGREEMENTS

"1. Each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI shall be liable to receive an initial inspection from the inspectors promptly after the facility is declared. The purpose of the initial inspection of the facility shall be to verify information provided and to obtain any additional information needed for planning future verification activities at the facilities, including on-site inspections and the use of continuous on-site instruments and to work on the facility agreements. 1/ 2/ 3/

"2. Each State Party shall conclude a facility agreement with the Organization for each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI. These agreements shall be completed within ... months after the Convention enters into force for the State or after the facility has been declared for the first time. They shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility. 4/ 5/

"II. SIZE OF THE INSPECTION TEAM

"[An inspection team conducting routine inspections pursuant to Articles IV, V and VI shall include no more than (xx) Inspectors and (xx) inspection assistants.] 6/

"1/ The consistency of this provision with all verification provisions in the Convention needs further consideration.

"2/ A view was expressed that initial inspections should be carried out in accordance with the guidelines for such inspections.

"3/ A view was expressed that the rules governing the conduct of inspectors in performing the initial inspection need to be discussed and further elaborated.

"4/ A view was expressed that the areas to which inspectors have access at the inspected facility shall be clearly defined in the facility agreement.

"5/ It was suggested that with respect to Article VI verification a step-by-step approach should be introduced where appropriate.

"6/ The view was expressed that routine inspection effort expressed in inspection man-days should be agreed between the inspected State Party and the Technical Secretariat and not be provided for in the Convention.

"III. STANDING ARRANGEMENTS

"A. Continuous Monitoring by Instruments

"1. Where applicable, the Technical Secretariat shall have the right to install and use continuous monitoring instruments and systems and seals in conformity with the relevant provisions in the Convention and the facility agreements between States Parties and the Technical Secretariat.

"2. Continuous monitoring systems consisting of, *inter alia*, sensors, ancillary equipment and transmission systems shall be specified in the facility agreements. They shall incorporate, *inter alia*, tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.

"3. The Technical Secretariat shall have the right to carry out necessary engineering surveys, construction, emplacement, maintenance, repair, replacement and removal of continuous monitoring instruments and systems and seals.

"4. The inspected State Party shall provide the necessary preparation and support for the establishment of continuous monitoring instruments and systems and, to this end, shall, at the request of and at the expense of the Technical Secretariat provide:

"(i) All necessary utilities for the construction and operation of the monitoring instruments and systems, such as electrical power and heating;

"(ii) Basic construction materials;

"(iii) Any site preparation necessary to accommodate the installation of continuously operating systems for monitoring;

"(iv) Transportation for necessary installation tools, materials and equipment from the point of entry to the inspection site.

"5. Every continuous monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to [the sole purpose of detecting prohibited or unauthorized activities] [the purpose of detecting prohibited or confirming permitted activities]. The coverage of the system shall be limited accordingly. The monitoring system shall signal the Technical Secretariat if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.

"6. Data to be transmitted from a facility to the Technical Secretariat shall be transmitted by means to be determined. Where necessary, the transmission system will incorporate frequent transmissions from the facility and a query and response system between the facility and the Technical Secretariat. Inspectors shall periodically check the proper functioning of the monitoring system.

"7. Seals placed by inspectors and monitoring devices shall only be removed in the presence of inspectors. If an extraordinary event requires the opening of a seal, or the removal of a monitoring device when an inspector is not present, the State Party shall immediately notify the Technical Secretariat. Inspectors shall as soon as possible check that no prohibited or unauthorized activities have occurred at the facilities and replace the seal or monitoring device.

"8. The State Party shall immediately notify the Technical Secretariat if an event at a facility subject to systematic international monitoring occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the Technical Secretariat with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.

"B. Inspection activities relating to continuous monitoring by instruments

"1. The inspection team shall verify during each inspection that the monitoring system functions correctly and that emplaced seals have not been tampered with. In addition, visits to service the monitoring system may be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

"2. In the event that the monitoring system indicated any anomaly, the Technical Secretariat shall immediately take action to determine whether this resulted from equipment malfunction or activities at the facility. If, after this examination the problem remained unresolved, the Technical Secretariat shall immediately ascertain the actual situation, including through immediate on-site inspection of the facility if necessary. The Technical Secretariat shall report any such problem immediately after its detection to the State Party who shall assist in its resolution. 1/

"1/ The issue of anomalies and irregularities requires further discussion with regard to the consistent usage of terms throughout the Convention and, on a more general level, to the way the underlying concept is to be treated in the Convention.

"IV. PRE-INSPECTION ACTIVITIES

"1. Routine inspections shall be notified [12] [24] [36] [48] 1/ hours in advance of the planned arrival of the inspection team [at the point of entry] [at the inspection site].

"2. Initial inspections shall be notified no less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry. Such notifications shall in addition to the information specified in part I, section V A, paragraph 2 also include the specification of the inspection site.

"V. DEPARTURE

"[In the case of routine inspections pursuant to Articles IV, V and VI, if the inspectors intend to conduct another inspection within the same inspected State Party or host State the inspection team shall return to the point of entry which it used to enter the State and await notification by the Technical Secretariat to the inspected State Party of the next inspection.]

"1/ Consideration needs to be given to balance the time required for logistical purposes and the amount of advance warning given to a Party of a pending inspection.

"PART III: CHALLENGE INSPECTIONS CONDUCTED PURSUANT TO ARTICLE IX 1/ 2/

"I. DESIGNATION AND SELECTION OF INSPECTORS AND INSPECTION ASSISTANTS

"1. Inspections under Article IX shall only be performed by Inspectors and inspection assistants especially designated for this function. In order to designate Inspectors and inspection assistants for inspections under Article IX, the Director-General of the Technical Secretariat shall, by selecting Inspectors and inspection assistants from among the full-time Inspectors and inspection assistants for routine inspection activities, establish a list of proposed Inspectors and inspection assistants. It shall comprise a sufficiently large number of Inspectors and inspection assistants having the necessary qualification, experience, skill and training, to allow for [rotation] [random selection] and availability of Inspectors. The designation of Inspectors and inspection assistants shall follow the procedures provided for under Part I, Section II of this Protocol.

"2. The Director-General shall select the members of an inspection team also taking into account the circumstances of a particular request. Each inspection team shall consist of not less than [5] inspectors and shall be [kept to a minimum necessary for the proper execution of its task] [not more than ... members 3/]. No national of the requesting State Party, or the inspected State Party shall be a member of the inspection team.

"1/ The view was expressed that some main elements contained in this part are subject to further consideration and elaboration of the principles of on-site inspection on challenge, which also need further examination.

"2/ The provisions in Part III may need to be amended in the light of experience gained in practice challenge inspections.

"3/ It has been suggested that the size of the inspection team should be subject to agreed limits. Further study is needed before trying to specify what the limits should be. It would be useful to explore the relationship among the size of the area to be inspected, the duration of the inspection and the size of the inspection team.

"II. PRE-INSPECTION ACTIVITIES

"A. Notification

"1. The request for a challenge inspection to be submitted to the Director-General of the Technical Secretariat shall contain at least the following information: 1/

- the State Party to be inspected and, if applicable, the host State
- the point of entry to be used
- [- the precise location of the inspection site and the type of site to be inspected]
- the size of the inspection site
- the type of violation suspected including a specification of the relevant provisions of the Convention about which doubts about compliance have arisen and of the nature and circumstances of the suspected non-compliance
- the names of the observer[s] of the requesting State Party

"The requesting State Party may submit any additional information it deems necessary.

"2. The inspection site shall be delimited by geographic co-ordinates specified to the nearest second. The area subject to inspection shall be deemed to be the maximum area within the precision of the co-ordinates. [Where specification to the nearest second is not possible owing to the absence of sufficiently detailed maps, or where it would be helpful, geographic co-ordinates shall be supplemented by written descriptions.] If possible, the requesting State Party shall also provide a map with a general indication of the inspection site and a diagram specifying precisely the boundaries of the site to be inspected.

"1/ One delegation held the view that pending a decision on the Status of this Protocol and of the corresponding text for part 2 of Article IX the same formulation concerning the content of the request should be used as in paragraph 2 of page 197 of CD/952 in the same line the term 'observer' in this text should be replaced by 'representative' as mentioned in paragraph 3 on page 198 of CD/952.

"3. The Director-General of the Technical Secretariat shall within [one] hour[s] acknowledge to the requesting State Party receipt of its request. 1/

"4. The Director-General of the Technical Secretariat shall notify the inspected State Party not less than [12] hours prior to the planned arrival of the inspection team at the point of entry. Simultaneously the members of the Executive Council shall be informed about the request.

"[5. Unless already included in the request for a challenge inspection the requesting State Party shall within 24 hours after the arrival of the inspection team at the point of entry simultaneously inform the inspection team and the inspected State Party of the inspection site. At the same time the inspected State Party shall also be informed by the inspection team about the type of violation suspected as specified in the request in accordance with paragraph 2 of this section.] 2/

"B. Entry into the territory of the inspected State Party or host State

"The Director-General of the Technical Secretariat shall dispatch an inspection team as soon as possible after a request is received by the Technical Secretariat. The inspection team shall arrive at the point of entry specified in the request [not later than [24] hours after the receipt of a request] [in the minimum time possible]. 3/ 4/

"1/ It has been suggested that the transmission of the request needs further discussion in light of unresolved issues under Article IX.

"2/ A view was expressed that the inspected State Party be fully informed on the inspection request and the violation it is suspected of at the latest after the arrival of the inspection team at the point of entry.

"3/ It has been suggested that while the inspected State Party should co-operate with the Technical Secretariat to ensure rapid arrival of the team at a point of entry, the obligation to co-operate should be a more general one, and that this might best be dealt with in the text of the basic challenge inspection provision.

"4/ The view was expressed that overall timeframes from the first announcement of a challenge inspection in a given State Party to the arrival of the inspection team at the inspection site are also important. The timeframes should be such as to enable the inspected State Party to co-operate fully with the inspection while not undermining the value of short-notice inspections.

"C. Securing the site

"1. To help establish that the site to which the inspection team has been transported corresponds to the site specified by the requesting State Party the inspection team shall have the right to use location-finding equipment and have such equipment and other approved equipment installed according to its directions. [The inspection team may also visit local landmarks identified from maps available to them in order to verify their location.]

"2. In securing the inspection site, immediately upon arrival and up to the completion of the inspection, the inspection team shall be permitted to patrol the perimeter of the site, station personnel at the exits and inspect any means of transport [of the inspected State Party] [of any State Party temporarily or permanently based at the site or] leaving or entering the site, in order to ensure that there is no removal or destruction of relevant material. If the inspection team so decides, no such transport may leave the inspection site during the course of the inspection until permitted by the inspection team. The inspection team shall also be permitted to use approved equipment to monitor the perimeter of the site.

"D. Pre-inspection briefing

"1. A pre-inspection briefing shall be held in accordance with part I, section VI. C. In the course of the pre-inspection briefing, the inspected State Party may indicate to the inspection team the equipment, documentation or areas it considers sensitive and not related to the purpose of the inspection, the Inspectors shall [consider] [take] into account the proposals made to the extent they deem them appropriate for the conduct of their mission. Additionally, personnel responsible for the site will brief the team on the physical layout and other relevant characteristics of the site, the team shall be provided with a map or sketch drawn to scale showing all the structures and significant geographic features at the site. The team shall also be briefed on availability of facility personnel and records.

"2. After the pre-inspection briefing the inspection team shall prepare, on the basis of the information available to it, an inspection plan which specifies the activities to be carried out by the inspection team, including the specific areas of the site to be visited, and the sequences in which the planned activities will occur. The plan shall also specify whether the inspection team will be divided into subgroups. The plan shall be made available to the representatives of the inspected State Party and the inspection site. The representatives of the inspected State Party and of the inspection site may suggest modifications to the plan. The inspection team shall have full discretion whether or not to accept any suggestion and shall have the right to modify its inspection plan at any time. The inspection briefing as well as the establishment and discussion of the inspection plan shall not exceed the general time-limit provided for in part I of section VI. C.

"III. CONDUCT OF INSPECTIONS

"A. General rules

"1. Subject to the provisions under section B. and this section the inspection team shall have the access at the site they deem necessary for the conduct of their mission.

"2. In carrying out the inspection in accordance with the request, the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify doubts about compliance with the provisions of the Convention, and shall refrain from activities not relevant thereto. It shall collect and document such evidence as is related to the compliance with the Convention by the inspected State Party but shall neither seek nor document information which is clearly not related thereto, unless the inspected State Party expressly requests it to do so. Any material collected and subsequently found not to be relevant shall not be retained.

"3. The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission. 1/ Wherever possible, it shall begin with the least intrusive procedures it deems acceptable and proceed to more intrusive procedures only as it deems necessary.

"B. Managed access

"1. The inspection team shall, to the extent it deems them appropriate, take into consideration and adopt suggested modifications of the inspection plan and proposals which may be made by the inspected State Party, at whatever stage of the inspection including the pre-inspection briefing, to ensure that sensitive equipment, information or areas, not related to chemical weapons, are protected.

"2. In conformity with the relevant provisions in the Annex on the protection of confidential information the inspected State Party shall have the right to take measures to protect sensitive installations and prevent disclosure of confidential data not related to chemical weapons. Such measures, which shall not interfere with the inspection, may include:

"1/ Possible standardization of procedures to facilitate the implementation, *inter alia*, of this principle may be considered in the context of a manual for Inspectors to be elaborated by the Technical Secretariat.

- removal of sensitive papers from office spaces and securing them in safes
- shrouding of sensitive displays that cannot be secured in safes
- shrouding of sensitive pieces of equipment, such as computer or electronic systems
- logging off of computer systems and turning off of data indicating devices

"Subject to procedures in this Protocol (to be specified) inspectors shall have the right to inspect the entire inspection site, including shrouded or environmentally protected objects and the interiors of structures, containers, and vehicles.

"3. It shall be the obligation of the inspected State Party to satisfy the inspection team that any object protected by measures in accordance with paragraph 19 above or any other area, structure, container or vehicle excluded from inspection has not been designed, constructed or used for the suspected activity stipulated in the inspection request.

"[This may be accomplished by partial removal of a shroud or environmental protection cover, at the discretion of the inspected party, or by other methods. If the inspected party demonstrates to the satisfaction of the inspection team that the object has not been designed, constructed, or used for the stipulated suspect activity, then there shall be no further inspection of that object.

"Furthermore, it shall be the responsibility of the inspected party to satisfy the inspectors that a hazardous area, structure, container, or vehicle has not been designed, constructed, or used for the suspected activity stipulated in the inspection request. If the inspected party demonstrates to the satisfaction of the inspection team by means of a visual inspection of the interior of an enclosed space from its entrance that the enclosed space does not contain any items designed, constructed, or used for the stipulated suspect activity, then such an enclosed space shall not be subject to further inspection 1/.]

"1/ It was suggested that further study is needed regarding what should be done if the obligation to satisfy the inspectors has not been fulfilled.

"C. Observer[s]

"1. The requesting State Party shall have the right to observe the conduct of a challenge inspection. 1/ It shall liaise with the Technical Secretariat to co-ordinate the arrival of its observer[s] at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival. 2/

"2. The observer[s] of the requesting State Party shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State located in the host State or, in the case of absence of an embassy, with the requesting State itself. He shall use the telephone communications provided by the requested State Party.

"3. The observer[s] shall have [the right to arrive at the site] [access to the inspection site as granted by the inspected State Party to him/them] [the same access to the inspection site as that granted to the inspection team]. [Throughout the inspection the inspection team shall keep the observer(s) fully informed about the conduct of the inspection and the findings.] 3/

"4. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer[s] such as communication means, interpretation services, transportation, working space, lodging, meals and medical care. All the costs in connection with the stay of the observer[s] on the territory of the inspected State Party or the host State shall be borne by the requesting State Party.

"D. Sampling

"The inspection team shall itself have the right to take any air, soil, wipe or effluent samples from the inspection site [,] at the perimeter of the inspection site [,] immediately upon arrival at the inspection site and throughout the period of inspection. 4/

"1/ A view was expressed that this sentence contained a basic obligation which should be included in the main body of the Convention.

"2/ The procedures for the timely entry of the observer of the requesting State Party into the territory of the inspected State Party/host State require further consideration.

"3/ The rights of the observer(s) need to be discussed and further elaborated. If agreement is reached that more than one observer shall be permitted, it might be necessary to specify the maximum number of observers.

"4/ It has been suggested that whether inspection team members or escort personnel should take these samples would require further discussion. It was also suggested that procedures for sample analysis require further discussion.

"E. Extension of inspection site 1/

"If the inspection team considers it necessary, for the purpose of the inspection, to visit any other contiguous location outside the boundaries of the inspection site as originally specified by the requesting State Party, the inspection team leader shall formally submit a written request to the inspected State Party [through the in-country escort]. Within two hours of the submission of the request the inspected State Party shall formally respond in writing to the request [through the in-country escort]. The requesting State Party or the observer[s] of the requesting State Party shall promptly be informed by the inspection team of the request of the inspection team leader and the response to it by the inspected State Party. If the response is negative, the requesting State Party may [through its observer] modify its original request to include the additional contiguous location. Once such a modified request has been formally submitted to [the Director-General of the Technical Secretariat] [the in-country escort], the additional contiguous location shall be subject to inspection by the team within ... hours. A request to visit an additional contiguous location shall not extend the overall period of inspection unless agreed in accordance with section IV. F. below of this section. 2/

"F. Duration of an inspection

"[The period of inspection shall not exceed ... hours. It may be extended by agreement with the inspected State Party by no more than ... hours. 3/]

"IV. DEPARTURE

"[1. At the inspected State Party's request, the clothing and equipment shall be left at the site. The inspected State Party shall reimburse the Technical Secretariat for the cost of any clothing and equipment left by the inspection team.]

"1/ A view was expressed that the inspection should be conducted strictly within the site as originally specified by the Organization, and there should be no such extension.

"2/ A view was expressed that it might not be necessary to formally resort back to the requesting State Party which is already involved in the whole process of the inspection through its observer as currently foreseen in the latter part of paragraph 3, section 'Observers'.

"3/ It has been suggested that before limits of an inspection are specified, it would be useful to explore the relationship between the size of the area to be inspected, the duration of the inspection and the size of the inspection team.

"2. Upon completion of the post-inspection procedures at the inspection site, the inspection team and the observer of the requesting State Party shall return promptly to the point of entry at which it entered the inspected State Party or host State and it shall then leave the territory of that State [within 24 hours] [as soon as possible].

"V. REPORTS

"A. Contents

"The inspection report shall summarize in a general way the activities conducted by the inspection team and the factual findings of the inspection team, particularly with regard to the ambiguities or suspected non-compliance cited in the request for the challenge inspection. Detailed information relating to the ambiguity or suspected non-compliance cited in the request for the challenge inspection shall be submitted as an Appendix to the final report and be retained within the Technical Secretariat under appropriate safeguards to protect sensitive information.

"B. Procedures

"The Inspectors shall within 72 hours of their return to their primary work location 1/ submit a preliminary inspection report to the Director-General of the Technical Secretariat. The Director-General shall promptly transmit the preliminary report to the requesting State Party, the inspected State Party and to the Executive Council. A draft final report shall be made available to the inspected State Party within [20] days of the completion of the inspection for identification of any non-CW-related information it considers should due to its confidentiality not be circulated outside the Technical Secretariat. The Technical Secretariat shall consider proposals for changes to their draft final report made by the inspected State Party and using its own discretion, wherever possible, adopt them. The final report shall be submitted within [30] days of the completion of the inspection and be circulated to States Parties. 2/

"1/ The implication of the as yet undefined term 'primary work location' requires further consideration.

"2/ A view was expressed that the requesting State Party should also have the right to access to the report at any early stage.

"PART IV: PROCEDURES IN CASES OF ALLEGED USE OF CHEMICAL WEAPONS

"I. GENERAL

"1. Investigations initiated pursuant to Articles IX and/or X of the Convention of alleged use of chemical weapons shall be conducted in accordance with this Protocol and detailed procedures to be established by the Director-General of the Technical Secretariat. [Wherever appropriate, the procedures relating to challenge inspections shall apply.]

"2. The following additional provisions address specific procedures required in cases of alleged use of chemical weapons.

"II. PRE-INSPECTION ACTIVITIES

"A. Request for an investigation

"The request for an investigation of an alleged use of chemical weapons to be submitted to the Director-General of the Technical Secretariat, to the extent possible, should include the following information:

- the State Party on whose territory use of chemical weapons is alleged to have taken place
- the point of entry or other suggested safe routes of access
- location and characteristics of the area(s) where chemical weapons are alleged to have been used
- when chemical weapons are alleged to have been used
- types of chemical weapons believed to have been used
- extent of the alleged use
- characteristics of the possible toxic chemicals
- effects on humans, animals and vegetation
- request for specific assistance, if applicable

"The requesting State Party may submit at any time any additional information it deems necessary.

"B. Notification

"1. The Director-General of the Technical Secretariat shall immediately acknowledge receipt to the requesting State Party of its request and inform the Executive Council and all States Parties.

"2. If applicable, the Director-General of the Technical Secretariat shall notify the State Party on whose territory an investigation has been requested. The Director-General shall also notify other States Parties if access to their territories might be required during the investigation.

"C. Assignment of inspection team

"1. The Director-General shall prepare a list of qualified experts whose particular field of expertise could be required in an investigation of alleged use of chemical weapons and constantly keep this list updated. This list shall be communicated, in writing, to all States Parties within 30 days of the entry into force of the Convention and after each change to the list. Any qualified expert included in this list shall be regarded as designated unless a State Party, within 30 days after its receipt of the list declares its non-acceptance.

"2. The Director-General shall select the leader and members of an inspection team from the full-time inspectors already designated for challenge inspections taking into account the circumstances and specific nature of a particular request. In addition, inspection team members may be selected from the list of qualified experts when, in the view of the Director-General, expertise not available among inspectors already designated is required for the proper conduct of a particular investigation.

"3. When briefing the inspection team the Director-General shall include any additional information provided by the requesting State, or any other sources, to ensure that the inspection can be carried out in the most effective and expedient manner.

"D. Dispatch of inspection team 1/

"1. Immediately upon the receipt of a request for an investigation of alleged use of chemical weapons the Director-General shall, through contacts with the relevant States Parties, request and confirm arrangements for the safe reception of the team.

"2. The Director-General shall dispatch the team at the earliest opportunity, taking into account the safety of the team.

"3. If the team has not been dispatched within [24] [48] hours from the receipt of the request, the Director-General shall inform the Executive Council and the States Parties concerned about the reasons for the delay.

"1/ A view was expressed that an obligation should be laid down to dispatch the team within a fixed time-frame.

"E. Briefings

"1. The inspection team shall have the right to be briefed by representatives of the inspected State Party upon arrival and at any time during the inspection.

"2. Before the commencement of the inspection the inspection team shall prepare an inspection plan to serve, inter alia, as a basis for logistic and safety arrangements. The inspection plan shall be updated as the need arises.

"III. CONDUCT OF INSPECTIONS

"A. Access

"The inspection team shall have the right of access to any and all areas which could be affected by the alleged use of chemical weapons. It shall also have the right of access to hospitals, refugee camps and other locations it deems relevant to the effective investigation of the alleged use of chemical weapons. For such access, the inspection team shall consult with the inspected State Party.

"B. Sampling

"1. The inspection team shall have the right to collect samples, of types and in quantities it considers necessary. If the inspection team deems it necessary, and if so requested by it, the inspected State Party shall assist in the collection of samples under the supervision of inspector(s) or inspection assistant(s). The inspected State Party shall also permit and co-operate in the collection of appropriate control samples from areas neighbouring the site of the alleged use and from other areas as requested by the inspection team.

"2. Samples of importance in the investigation of alleged use include toxic chemicals, munitions and devices, remnants of munitions and devices, environmental samples (air, soil, vegetation, water, snow, etc.) and biomedical samples from human or animal sources (blood, urine, excreta, tissue, etc.).

"3. When duplicate samples cannot be taken and the analysis is performed at off-site laboratories, any remaining sample shall, if so requested, be returned to the State Party after the completion of the analysis.

"C. Extension of the inspection site

"When the inspection team during an inspection deems it necessary to extend the investigation into a neighbouring State Party the Director-General of the Technical Secretariat shall notify that State Party about the need for access to its territory and request and confirm arrangements for the safe reception of the team.

"D. Extension of inspection duration

"If the inspection team deems that safe access to a specific area relevant to the investigation is not possible, the requesting State Party shall be informed immediately. 1/ If necessary the period of inspection shall be extended until safe access can be provided and the inspection team will have concluded its mission.

"E. Interviews

"The inspection team shall have the right to interview and examine persons who may have been affected by the alleged use of chemical weapons. It shall also have the right to interview eyewitnesses of the alleged use of chemical weapons and medical personnel and/or other persons who have treated or have come into contact with persons who may have been affected by the alleged use of chemical weapons. The inspection team shall have access to medical histories, if available, and be permitted to participate in autopsies as appropriate of the persons who may have been affected by the alleged use of chemical weapons.

"IV. REPORTS

"A. Procedures

"1. The inspection team shall within 24 hours from its arrival in the inspected State Party send a situation report to the Director-General of the Technical Secretariat. It shall further throughout the investigation send progress reports as necessary.

"2. The inspectors shall within 72 hours of their return to their primary work location submit an interim report to the Director-General of the Technical Secretariat. The Director-General shall promptly transmit the report to the Executive Council and all States Parties. The final report shall be submitted to the Director-General of the Technical Secretariat within 30 days of their return to their primary work location.

"B. Contents

"1. The situation report shall indicate any urgent need for assistance and any other relevant information. The progress reports shall indicate any further need for assistance that might be identified during the course of the investigation.

"1/ A view was expressed that a provision to the effect that States Parties shall undertake not to take action which may endanger the safety of the inspection team is needed.

"2. The final report shall summarize the factual findings of the inspection, particularly with regard to the alleged use cited in the request. In addition a report of an investigation of an alleged use shall include a description of the investigation process, tracing its various stages, with special reference to (i) the locations and time of sampling and *in situ* analyses; and (ii) supporting evidence, such as the records of interviews, the results of medical examinations and scientific analyses, and the documents examined by the inspection team.

"3. If the inspection team collects any information in the course of its investigation that might serve to identify the origin of any chemical weapons used, *inter alia*, through identification of any impurities or other substances during laboratory analysis of samples taken, that information shall be included in the report.

"V. STATES NOT PARTY

"In the case of alleged use of chemical weapons involving a non-State Party or on territory not controlled by a State Party, the Organization shall closely co-operate with the Secretary-General of the United Nations. If so requested, the Organization shall put its resources at the disposal of the Secretary-General of the United Nations.

"APPENDIX II

"JURISDICTION AND CONTROL

"Chairman's Summary of Consultations

"1. Given that the last series of discussions on this issue took place in 1987, the consultations at the outset involved a preliminary exchange of views, which helped achieve a wider appreciation of various national positions and concerns, including:

- the need for consistency, clarity and precision in defining the scope of States Parties' responsibilities under the Convention;
- the question of the exercise of jurisdiction by States Parties over their nationals (including legal entities) abroad.

Furthermore, it was generally recognized that, in the resolution of this issue, the optimum balance needs to be achieved between establishing obligations for States Parties which are both comprehensive and unambiguous and yet do not impose upon States Parties' obligations which cannot be fulfilled.

"2. Subsequently, discussions focused on the question of the general undertakings of States Parties, as embodied in Article VII: National Implementation Measures, especially in so far as this relates to the question of jurisdiction over private activities, both territorially and extraterritorially. This was without prejudice to the consideration of the issue of jurisdiction and control in other provisions of the Convention, especially with respect to:

- the scope of States Parties' obligations under Articles I to V (with at least one delegation being of the view that consideration of Article VII needed to be undertaken subject to the resolution of the relevant jurisdiction issues in Articles I to V);
- the monitoring provisions in Article VI (especially paragraph 1 (b)).
- questions of jurisdiction and control with respect to both the issue of old chemical weapons and of Article IX.

"3. These discussions showed that specific components of the general undertakings embodied in Article VII require further consideration. While the territorial basis for assuming jurisdiction over all natural persons and legal entities was generally recognized, divergent views remained with respect to:

- the extent of obligations assumed by States Parties by the use of the term 'to prohibit and prevent' with respect to activities on a State Party's territory or in any place under its jurisdiction or control, with some delegations suggesting alternatives such as 'not to permit' or 'to prohibit';

- the question of preserving an appropriate reference to 'control' in this provision;
- the extent to which States Parties are able and/or willing to enact penal provisions with respect to their nationals (both natural persons and legal entities) abroad.

"4. Furthermore, many delegations recognized that the right of States Parties to co-operate among themselves, as well as the need for extensive legal assistance between States Parties, in fulfilling general undertakings assumed under Article VII were issues which warranted further consideration in the context of Article VII.

"5. It was recommended that further consultations, with a view to resolving the issues, be undertaken during the Intersessionals.

"OLD CHEMICAL WEAPONS

"Chairman's summary of consultations

"Resumed consultations with interested delegations, initially bilateral and then open-ended, on the subject of old chemical weapons have revealed that divergencies remain. There is indeed a basic difference between the view that this question should remain a secondary one in the Convention, and another view which considers that it is a central question, not confined to the past, and directly linked to the question of use. The consultations have, however, enabled delegations to focus on specific aspects. The Chairman has reached the following tentative conclusions with respect to further work on the subject:

"1. Delegations recognize the need to have some provisions in the Convention to address the issue of old chemical weapons.

"2. Consideration of old chemical weapons is closely related to the definition of chemical weapons. Whilst some delegations believe that they should fall under the established definition in Article II, others consider that, given their characteristics, they should be subject to a specific régime, or even that some of them should remain outside the Convention.

"3. The circumstances for chemical weapons being present on a country's territory differ, but can be put into four categories:

- chemical weapons possessed now, or in the past, by that country as part of an active chemical weapons programme;
- chemical weapons deployed or stored in that country by another country, in accordance with bilateral agreements or security arrangements;
- chemical weapons abandoned in that country by another country or Government which may have previously been present at, or had some control over, the site of discovery;
- chemical weapons unearthed on that country's territory where chemical weapons were used in combat, washed ashore, or otherwise retrieved after having been lost or disposed of at sea by another country.

This tentative inventory does not, however, lead for the time being to an agreement between delegations on the proper treatment of old chemical weapons in the Convention.

"4. Establishing responsibility for old chemical weapons abandoned in the past by a State Party on the territory of another State Party remains a subject of wide divergencies. There is, however, a widely shared understanding that the discovery of these old chemical weapons should not impose *a priori* the responsibility for destruction on the discovering State. To a certain extent, the issue is linked to the question of jurisdiction and control, which is presently under consideration.

"5. Delegations agree on the need for a régime to apply to chemical weapons that may be discovered after entry into force of the Convention.

"6. There is an agreement that the role of the Organization shall include receiving any notifications by a State Party that it has discovered old chemical weapons, and providing advice, if so requested, to interested States Parties in destroying them. One should take note, in that respect, of the new drafting of Article IV, paragraph 5, which deals with the possiblility for each State Party to co-operate with other States Parties through the Technical Secretariat regarding methods and technologies for destruction of old chemical weapons.

"7. There is an understanding that the provisions in the Convention should in no way preclude the possibility that countries concerned seek arrangements on a voluntary basis to resolve issues related to old chemical weapons.

"POSSIBLE FACTORS IDENTIFIED TO DETERMINE THE NUMBER, INTENSITY, DURATION, TIMING AND MODE OF INSPECTIONS OF FACILITIES HANDLING SCHEDULE 2 CHEMICALS 1/ 2/

"1. Factors related to the listed chemical

"(a) Toxicity of the end-product.

"2. Factors related to the facility

"(a) Multipurpose or dedicated facility.

"(b) Capability and convertibility for initiating production of highly toxic chemicals.

"(c) Production capacity.

"(d) On-site storage of listed key precursors in quantities exceeding ... tonnes.

"(e) Location of the facility and infrastructure for transportation.

"3. Factors related to the activities carried out at the facility

"(a) Production e.g. continuous, batch, types of equipment.

"(b) Processing with conversion into another chemical.

"(c) Processing without chemical conversion.

"(d) Other types of activities, e.g. consumption, import, export, transfer.

"(e) Volume produced, processed, consumed, transferred.

"(f) Relationship between maximum and utilized capacity for a scheduled chemical.

- multipurpose facility
- dedicated facility

"4. Other factors

"(a) International monitoring by on-site instruments.

"(b) Remote monitoring.

"1/ The terminology of this material might have to be revised on the basis of the present stage of negotiations.

"2/ The order in which these factors are listed does not indicate any priority.

"*AD HOC* VERIFICATION

"Summary of the discussions on ad hoc verification by the Chairman of Working Group A during the 1990 session

"1. At the end of the first part and during the second part of the 1990 session, Working Group A held six meetings dedicated to the concept of *ad hoc* verification. Documents CD/CW/WP.286 on *Ad Hoc* Verification, CD/984 on the Establishment of National Registers and CD/CW/WP.300 containing proposed amendments to Articles VI and VII of the Draft Convention were discussed. During the *Ad Hoc* Committee's meeting with Industrial Experts on 27-29 June 1990, experts from industry provided views and comments, including in written form, on several aspects of *ad hoc* verification and on the feasibility of the establishment of National Registers.

"The following aspects of *ad hoc* verification were raised:

- Purpose;
- Establishment of National Registers;
- Triggering of an inspection;
- Procedures and objectives.

"2. The purpose of *ad hoc* verification was stated by the proponents of the concept as a means to provide confidence through the monitoring of chemical production facilities which are capable of producing chemicals on Schedules 1, 2 or 3 to Article VI, but which are not declared on any of the Annexes to Article VI, as well as those facilities declared under Annexes 1, 2 and 3 to Article VI.

"To these delegations, *ad hoc* verification would constitute a valuable and necessary part of a comprehensive verification régime additional and complementary to routine inspections and inspections under Article IX.

"Other delegations expressed the view that concerns regarding the misuse of production capability could be met by existing verification régimes and expressed doubts about the need for an additional form of verification. It was also stated that an *ad hoc* verification system might bring unnecessary costs.

"Some delegations stated that it was premature to address *ad hoc* verification until the issues of routine inspections and inspections under Article IX had been settled.

"3. There was an emerging understanding that National Authorities in States Parties would have to gather sufficient data on their chemical industry for national implementation of the Convention comparable to that likely to be required for a National Register. If such a Register were to serve also as a basis for a verification régime, agreed and uniform criteria for its establishment would have to be elaborated. It was observed that the establishment of a Register and keeping it up to date would be complicated, especially for developing countries. A possibility of assistance through the Organization or the United Nations for this purpose was mentioned. Some delegations underlined that any anomalies in the Register, in the first instance, would have to be resolved through consultative or clarification mechanisms.

"4. It was argued that only a small fraction of relevant industrial facilities would actually be inspected during a year. Different opinions were expressed regarding to what extent requests from individual States Parties would trigger ad hoc verification or whether it should be initiated by the Technical Secretariat. Proposals were made for the use of active and passive quotas in order to limit the number of inspections for each State Party.

"5. Regarding procedures and objectives, it was stated that the inspections would have to be simple and non-intrusive in nature. Some delegations expressed a preference for a system which would verify the absence and non-production of Schedule 1, 2, and 3 chemicals not subject to declaration in any of the Annexes under Article VI. Other delegations preferred a system whereby only the absence of Schedule 1 chemicals at the time of the inspection would be verified.

"6. No consensus emerged on the concept of ad hoc verification. Some delegations felt that further discussions are necessary.

"MODELS FOR AGREEMENTS

"A. MODEL FOR AN AGREEMENT RELATING TO FACILITIES PRODUCING, PROCESSING OR CONSUMING CHEMICALS LISTED IN SCHEDULE 2

"1. Information on the facility producing, processing, or consuming chemicals listed in Schedule 2

"(a) Identification of the site and the facility

"(i) Site identification code

"(ii) Name of the complex/site

"(iii) Owner(s) of the complex/site on which the facility is located

"(iv) Name of the company/enterprise operating the facility

"(v) Exact location of the facility

"(1) Address and location (geographic co-ordinates) of the headquarter building(s) of the site/complex

"(2) Location (including the geographic co-ordinates, specific building and structure number) of the plant/reactor within the site/complex

"(3) Location(s) of the relevant building(s)/structure(s) comprising the facility within the site/complex.

"These might include:

"(a) Headquarters and other offices

"(b) Operation Process Unit

"(c) Storage/handling areas for feedstock and product

"(d) Purification equipment

"(e) Effluent/waste handling/treatment area

"(f) All associated and interconnecting pipework

"(g) Control/analytical laboratory

"(h) Warehouse storage

"(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and from the site

"(j) Medical centre

"(vi) Other areas to which Inspectors have access.

"(b) Detailed technical information

"Design information to be obtained during the initial visit should, as relevant, include:

"(i) Data on the production process (type of process: e.g. continuous or batch; type of equipment; the technology employed; process engineering particulars)

"(ii) Data on processing with conversion into another chemical (description of the conversion process, process engineering particulars and end-product)

"(iii) Data on processing without chemical conversion (process engineering particulars, description of the process and the end-product, concentration of processed chemical in the end-product)

"(iv) Data on feedstocks used in the production of processing of declared chemicals (type and capacity of storage)

"(v) Data on product storage (type and capacity of storage)

"(vi) Data on waste/effluent treatment (disposal and/or storage; waste/effluent treatment technology; recycling)

"(vii) Data on clean-up procedures and general maintenance and overhauls

"(viii) Plan of the complex/site showing the location of the facility as defined in paragraph 1 (a) (v) and other areas as specified in paragraph 1 (a) (vi), including, with functions specified, for example, all buildings, structures, pipework, roads, fences, mains electricity, water and gas points

"(ix) Diagram indicating the relevant material flow and sampling points at the facility.

"(c) Data on safety and health measures on-site

"(d) Identification of the required degree of confidentiality for information provided during the elaboration of the agreement.

"2. Specific facility health and safety rules and regulations to be observed by Inspectors

"3. Inspections

"On-site inspection activities may include, but shall not necessarily be restricted to, the following:

"(i) Observation of any and all activities at the facility including safety measures

"(ii) Identification and examination of any and all equipment at the facility

"(iii) Identification, verification and registration of any technological or other changes in comparison with the detailed technical information ascertained when the facility agreement was worked out

"(iv) Identification and examination of documentation and records

"(v) Installation, review, servicing, maintenance and removal of monitoring equipment and seals

"(vi) Identification and validation of measuring and other analytical equipment (examination and calibration using, as appropriate, independent standards)

"(vii) Taking of analytical samples and their analysis

"(viii) Investigation of indications of irregularities.

"4. Monitoring with instruments on-site

"(a) Specification of items and their locations

"(i) Instruments supplied by the Technical Secretariat

"(ii) Instruments at/supplied by the facility

"(b) Installation of the instruments and seals, as appropriate

"(i) Time schedule

"(ii) Advance preparations

"(iii) assistance provided by the facility during installation "(c) Activation, initial testing and certification

"(d) Operation

  "(i) Operating mode

  "(ii) Routine testing provisions

  "(iii) Service and maintenance

  "(iv) Measures in case of malfunctions

  "(v) Replacement, modernization and removal

"(e) Responsibilities of the State Party

"5. Instruments and other equipment to be used during the inspections

"(a) Instruments and other equipment brought in by the Inspectors

  "(i) Description

  "(ii) Examination, as appropriate, by the facility

  "(iii) Use

"(b) Instruments and other equipment provided by the State Party

  "(i) Description

  "(ii) Testing, calibration and examination by the Inspectors

  "(iii) Use and maintenance

"6. Sample-taking, on-site analysis of samples

"(a) Identification of routine sampling points from

- production or process unit
- stocks, including warehouse, feedstock, storage

"(b) Other sample-taking (including wipe samples, environmental and waste/effluent samples) "(c) Sample-taking/handling procedures

"(d) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, sensitivity and accuracy of analyses)

"7. Removal of samples from the facility

"(a) in-house analysis off-site

"(b) other

"8. Records and other documentation

"(1) Records

    "(a) Accounting records e.g., quantities of all relevant chemicals moved on to and off site

    "(b) Operating records e.g., quantities of chemicals moved through the process unit

    "(c) Calibration records as appropriate.

"(2) Other documentation

"(3) Location of records/documentation

"(4) Access to records/documentation

"(5) Language of records/documentation

"9. Confidentiality

"Identification of the required degree of confidentiality for information obtained during the inspection;

"10. Services to be provided

"Such services may include, but shall not necessarily be restricted to the following:

    "(a) Medical and health services

    "(b) Office space for Inspectors

    "(c) Laboratory space for Inspectors

"(d) Technical assistance

"(e) Communications

"(f) Power and cooling water supplies for instruments

"(g) Interpretation services

"For each type of services, the following information shall be included:

"(a) The extent to which that service shall be provided

"(b) Points of contact at the facility for the service

"11. Updating, changes and revisions of the agreement

"12. Other matters

"Explanatory note

"During the review of the Model for an Agreement relating to facilities producing, processing or consuming chemicals listed in Schedule 2 the words facility, plant, operating process unit, site and complex have been understood as follows:

"1. Site. An area, whether or not within a retaining boundary, which is under the operational control of the HQ defined in para. 1 (a)(v)(1). A site may contain one or more plants.

"2. Complex. A large area comprising a number of autonomous sites which are not necessarily under the same operational control. There is doubt about the validity of this concept for this model for agreement.

"3. Plant. A relatively self-contained area/structure located on a site in which the production, processing or consumption of a particular type of chemical occurs (e.g., an organophosphorus plant, a packaging plant), or where particular types of operating units are grouped e.g., a multi-purpose plant. A plant may contain one or more operating process units.

"4. Operating Process Unit. The central array of equipment in a particular plant wherein the declared chemical is produced, processed or consumed. This might include reactor vessel, distillation and condenser units.

"5. Facility. All structures and buildings (referred to in para. 1 above) associated with the production, consumption and processing of the declared chemical.

"These might include:

"(a) Headquarters and other offices

"(b) Operation Process Unit

"(c) Storage/handling areas for feedstock and product

"(d) Purification equipment

"(e) Effluent/waste handling/treatment area

"(f) All associated and interconnecting pipework

"(g) Control/Analytic laboratory

"(h) Warehouse storage

"(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and leaving the site

"(j) Medical centre

"B. MODEL FOR AN AGREEMENT RELATING TO SINGLE SMALL-SCALE FACILITIES [1]

"Proposal by the Co-ordinator of Cluster IV for the 1987 session

"1. Information on the single small-scale facility

"(a) Identification

"(i) Facility identification code

"(ii) Name of the facility

"(iii) Exact location of the facility

"If the facility is located within a complex, then also

- Location of the complex
- Location of the facility within the complex, including the specific building and structure number, if any
- Location of relevant support facilities within the complex. e.g. research and technical services, laboratories, medical centres, waste treatment plants
- Determination of the area(s) and place(s)/site(s) to which Inspectors shall have access

"(b) Detailed technical information

"(i) Maps and plans of the facility, including site maps showing, with functions indicated, for example, all buildings, pipework, roads, fences, mains electricity, water and gas points, diagrams indicating the relevant material flow at the designated facility and data on infrastructure for transportation

"(ii) Data on each production process (type of process, type of equipment, technology employed, production capacity, process engineering particulars)

"(iii) Data on the feedstocks used (type of feedstock, storage capacity)

"[1] Prepared by Lt. Col. Bretfeld, German Democratic Republic; Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

"(iv) Data on the storage of the chemicals produced (type and capacity of storage)

"(v) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling)

"(c) Specific facility health and safety procedures to be observed by Inspectors

"(d) Dates

"(i) Date when the initial inspection took place

"(ii) Date(s) when additional information was provided

"(e) Storage of information

"Identification of which information, provided about the facility under paragraph 1, shall be kept by the Technical Secretariat under lock and key at the facility.

"2. Number and modalities of inspections

"The number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines.

"3. Inspections

"On-site inspection activities may include, but shall not necessarily be restricted to, the following:

"(i) Observation of any and all activities at the facility

"(ii) Examination of any and all equipment at the facility

"(iii) Identification of technological changes in the production process

"(iv) Comparison of process parameters with those ascertained during the initial visit

"(v) Verification of chemical inventory records

"(vi) Verification of equipment inventory records

"(vii) Review, servicing and maintenance of monitoring equipment

"(viii) Identification and validation of measuring equipment (examination and calibration of measuring equipment, verification of measuring systems using, as appropriate, independent standards) "(ix) Application, examination, removal and renewal of seals

"(x) Investigation of indicated irregularities

"4. Monitoring system

"(a) Description of items and their location

"(i) Sensors and other instruments

"(ii) Data transmission system

"(iii) Ancillary equipment

"(iv) ...

"(b) Installation of the system

"(i) Time schedule

"(ii) Advance preparations

"(iii) Assistance to be provided by the State Party during installation

"(c) Activation, initial testing and certification

"(d) Operation

"(i) Regular operation

"(ii) Routine tests

"(iii) Service and maintenance

"(iv) Measures in case of malfunctions

"(v) Responsibilities of the State Party

"(e) Replacement, modernization

"5. Temporary closure

"(a) Notification procedure

"(b) Description of the types of seals to be used

"(c) Description of how and where seals shall be fixed

"(d) Provisions for surveillance and monitoring

"6. Instruments and other equipment to be used during inspections

"(a) Instruments and other equipment installed or brought in by Inspectors

"(i) Description

"(ii) Testing, calibration and examination by the State Party

"(iii) Use

"(b) Instruments and other equipment to be provided by the State Party

"(i) Description

"(ii) Testing, calibration and examination by Inspectors

"(iii) Use and maintenance

"7. Sample-taking, on-site analyses of samples and on-site analysis equipment

"(a) Sample-taking from production

"(b) Sample-taking from stocks

"(c) Other sample-taking

"(d) Duplicates and additional samples

"(e) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)

"8. Records. The records to be examined shall be determined after the initial visit and shall include the following:

"(a) Accounting records

"(b) Operating records

"(c) Calibration records

"The following shall be determined on the basis of the initial visit:

"(a) Location and language of records

"(b) Access to records

"(c) Retention period of records

"9. Administrative arrangements

"(a) Preparations for the arrival and departure of Inspectors

"(b) Transport of Inspectors

"(c) Accommodation for Inspectors

"(d) ...

"10. Services to be provided 1/

"Such services may include, but shall not necessarily be restricted to, the following:

"(a) Medical and health services

"(b) Office space for Inspectors

"(c) Laboratory space for Inspectors

"(d) Technical assistance

"(e) Telephone and telex

"(f) Power and cooling water supplies for instruments

"(g) Interpretation services

"For each type of service, the following information shall be included:

"(a) The extent to which that service shall be provided

"(b) Points of contact at the facility for the service

"11. Other matters

"12. Revisions of the agreement

"1/ The question of charges for the services needs to be discussed.

"C. MODEL FOR AN AGREEMENT RELATING TO CHEMICAL WEAPONS STORAGE FACILITIES 1/

"Proposal by the Co-ordinator of Cluster IV for the 1987 session

"1. Information on the storage facility

"(a) Identification:

"(i) Storage facility identification code;

"(ii) Name of the storage facility;

"(iii) Exact location of the storage facility.

"(b) Dates:

"(i) Date of the initial verification of the Declaration of the facility;

"(ii) Date(s) additional information provided

"(c) Layout:

"(i) Maps and plans of the facility, including

- boundary map to show entrances, exits, nature of boundary (e.g. fence);
- site maps to include locations of all buildings and other structures, bunkers/storage areas, fences with access points indicated, mains electricity and water points, and infrastructure for transports including loading areas;

"(ii) Details of the construction of bunkers/storage areas which might be of relevance for verification measures;

"(iii) ...

"(d) Detailed inventory of the contents of each bunker/storage area;

"(e) Specific facility health and safety procedures to be observed by Inspectors.

"1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic; Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

"2. Information relating to the transport of chemical weapons from the facility

"(a) Detailed description of loading area(s);

"(b) Detailed description of loading procedures;

"(c) Type of transport to be used, including construction details relevant to verification activities, e.g. where to place seals;

"(d) ...

"3. Number and modalities of systematic inspections, etc.

"The number and modalities of systematic inspections will be decided by the Technical Secretariat on the basis of guidelines.

"4. Inspections

"(a) Systematic on-site inspections

Systematic on-site inspection activities may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of seals;

"(ii) Review, servicing and maintenance of monitoring equipment;

"(iii) Verification of the inventory of randomly selected sealed bunkers/storage areas.

- Percentage of bunkers/storage areas to be verified during each systematic on-site inspection.

"(b) On-site inspections of transports from the facility

On-site inspections of transports of chemical weapons from the storage facility may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of any seals relevant to the transportation of chemical weapons;

"(ii) Verification of the inventory of bunkers/storage areas from which chemical weapons are to be transported;

"(iii) Observation of the loading procedure and verification of items loaded;

"(iv) Adjustment/realignment of the coverage of the monitoring system.

"(c) Inspections to resolve indicated irregularities (*ad hoc* inspections)

Ad hoc inspection activities may include, but are not necessarily restricted to, the following:

"(i) Investigation of indicated irregularities;

"(ii) Examination, removal and renewal of seals;

"(iii) Verification as required of the inventory of bunkers/storage areas.

"(d) Continuous presence of Inspectors

The activities of continuously present Inspectors may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of seals;

"(ii) Verification of the inventory of any selected sealed bunkers/storage areas;

"(iii) Observation of any and all activities at the storage facility, including any handling of stored chemical weapons for the purpose of transport from the storage facility.

"5. *Seals and markers*

"(a) Description of types of seals and markers

"(b) How and where seals are to be fixed

"6. *Monitoring system*

"(a) Description of items and their locations:

"(i) Sensors and other instruments;

"(ii) Data transmission system;

"(iii) Ancillary equipment;

"(iv) ...

"(b) Installation:

  "(i) Time schedule;

  "(ii) Advance preparations at the storage facility;

  "(iii) Assistance to be provided by the State Party during installation.

"(c) Activation, initial testing and certification

"(d) Operation:

  "(i) Regular operation;

  "(ii) Routine tests;

  "(iii) Service and maintenance;

  "(iv) Measures in case of malfunctions;

  "(v) Responsibilities of the State Party.

"(e) Replacements, modernizations

"(f) Dismantling and removal

"7. Provisions governing instruments and other equipment to be used during inspections

"(a) Instruments and other equipment brought in by Inspectors:

  "(i) Description;

  "(ii) Testing, calibration and examination by the State Party;

  "(iii) Routine use.

"(b) Instruments and other equipment to be provided by the State Party:

  "(i) Description;

  "(ii) Testing, calibration and examination by Inspectors;

  "(iii) Routine use and maintenance.

"8. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

"(a) Sample-taking from munitions, notably the standardization of methods for each different type of munition present at the facility

"(b) Sample-taking from bulk stocks

"(c) Other sample-taking

"(d) Duplicates and additional samples

"(e) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)

"9. Administrative arrangements

"(a) Preparations for arrival of Inspectors

"(b) Transport for Inspectors

"(c) Accommodation for Inspectors

"(d) ...

"10. Services to be provided 1/

"Such services should include, but are not necessarily restricted to, the following:

- medical and health services;
- office space for Inspectors;
- laboratory space for Inspectors;
- technical assistance;
- telephone and telex;
- power and cooling water supplies for instruments;
- interpretation services.

For each type of service, the following information should be included:

- the extent to which that service is to be provided;
- point of contact at the facility for the service.

"11. Amendments and revisions of the agreement
(e.g. changes in loading procedures, types of transport, analytical methods)

"12. Other matters

"1/ The question of charges for the services needs to be discussed.

"OUTCOME OF THE 1989 OPEN-ENDED CONSULTATIONS ON THE EXECUTIVE COUNCIL 1/

"Working basis on composition and decision-making process

"During the 1989 session, the Chairman of the *Ad Hoc* Committee carried out private and open-ended consultations on the composition and decision-making process of the Executive Council.

"This paper contains the preliminary outcome of these consultations. It is presented with the aim of facilitating the further consideration of this issue. It should be stressed that delegations involved in the consultations accepted, as a working basis only, a hypothetical Executive Council of 25 members, then proceeded to examine issues associated with the Executive Council on that basis. Neither the basic hypothesis nor the options discussed about size, composition, allocation of seats and decision-making process, nor any of the positions formulated during the consultations constitute agreement; they do not necessarily represent any delegation's national position.

"A. Size 2/

"1. The Executive Council shall be composed of (25?) 3/ States Parties to the Convention, (with ... members?) elected for a (3?)-year term.

"2. (8/9?) members shall be elected every (?) years(s). 4/

"3. Monthly rotating chairmanship / or Chairman elected for (1?) year by the Executive Council/or the Conference of the States Parties; / or the Chairman of the Conference of the States Parties shall serve as a non-voting Chairman of the Executive Council.

"B. Composition

"Taking into account the eligibility of each State Party to serve on the Executive Council and the need to ensure an equitable balance in membership, its composition:

"1/ During the 1990 session, the Chairman of the *Ad Hoc* Committee continued open-ended consultations on the composition and decision-making process of the Executive Council, as well as on its powers and functions.

"2/ The possibility of a specific decision on change in size of the Executive Council to be provided for in advance has been discussed.

"3/ Proposals made range from 15 to 35.

"4/ The subjects of re-election and of non-elected members have been discussed.

"1. shall be based on the representation of the five regional groups of the United Nations;

"2. and on / the national capacity in the relevant 1/ chemical industry / and on / the political factor/

"C. Allocation of seats

"1. The allocation of seats could be made on the following basis:

- Each of the five regional groups will be allotted (3?) seats; these will be filled by members elected by the Conference of the States Parties on the proposals by the regional groups.
- The remaining seats (10?) will be filled (on proposal by the Executive Council,) in accordance with paragraph B.2 (by members elected by the Conference of the States Parties).

"2. A number of concrete formulae could be derived from A., B. and C.1 2/

"1/ The view was expressed that the word 'relevant' should be further discussed.

"2/ The following concrete formulae have been discussed:

"(a) Allocation of 5 seats per regional group of the United Nations, taking into account the industrial and political considerations within each region.

"(b) Allocation of seats to the 5 permanent members of the United Nations Security Council, with the remaining seats apportioned equally among the 5 regional groups.

"(c) Allocation of 3 seats per regional group and 10 seats on the basis of industrial criterion to be determined.

"(d) Allocation of 5 seats to the 5 most industrially advanced States Parties in the world; allocation of one seat each to the industrially most advanced States Parties in the regions not covered by the first category; and allocation of the remaining seats to the 5 regional groups, with 4 seats for the 2 groups not covered by the second category.

"(e) Allocation of 3 seats per regional group and 10 seats on the basis of the political factor to be determined.

"(f) Allocation of 3 seats per regional group; and 10 seats on the basis of industrial criteria to be determined, with at least 3 of the latter being allotted to Latin America/Africa/Asia.

"D. Decision-making process

"1. Each member of the Executive Council has one vote.

"2. The decision-making process of the Executive Council could be based on: simple majority for matters of procedure; consensus for matters of substance; and after ... hours a majority of (...).

"3. Voting requirements other than a two-thirds majority could be developed in order to prevent any preponderance. */

"(g) Allocation of 3 seats per regional group; allocation of 5 seats to the industrially most advanced States Parties; allocation of 5 seats taking into account the political factor following a 2-1-1-1 pattern.

"(h) (10?) seats on proposal by the Executive Council 'amongst States Members whose presence in the Executive Council would be beneficial for the good functioning of the Convention'; allocation of 4 seats per regional group of which 2 seats to the industrially most advanced States Parties of each group not included in the former category.

"(i) Allocation of seats on the basis of the requirement of regional spread and the weight to be allotted to a country in relation to its industrial importance.

"*/ A view was expressed that, in order to prevent preponderance, the decision-making process should be such that no one regional group could impose a decision on others and, in turn, could not be imposed upon with a decision it does not agree with.

"CLASSIFICATION SYSTEM OF CONFIDENTIAL INFORMATION 1/

"During the verification activities under the Chemical Weapons Convention the proper balance should be observed between the degree of intrusiveness and the need to protect confidential information. Only when necessary data reporting and verification should rely on confidential information. Its handling shall not be in conflict with the existing international legal norms, namely with regard to the protection of intellectual property. In drawing the rules for handling and protection of confidential information the Director-General of the Technical Secretariat shall use the following classification, establishing the level of confidentiality of information:

"(a) Information, which could be released for public use through the official reports of the Organization to the United Nations or other institutions or upon request to States Non-Parties to the CWC, various organizations or individuals. The Executive Council shall determine the general parameters covering the release of information for public use, within which the Director-General of the Technical Secretariat shall consider and decide upon individual requests. Requests going beyond these parameters shall be referred to the Executive Council for decision. However, information from other classifications related to specified States Parties shall not be made public without the consent of the State Party concerned. The Director-General may disseminate any other information in accordance with a request by a State Party to which the information refers. This category shall cover, i.a., general information on the course of the implementation of the Convention;

"(b) Information with distribution limited to States Parties to the Convention. The main source of such information will be the Initial and Annual Declarations on the aggregate quantities of chemicals produced and number of facilities operating in individual States Parties. Data of such nature might be included in the reports to various bodies of the Organization. States Parties shall have easy access to such information and shall treat it as confidential (e.g. not to be offered to press). A routine distribution of this information shall be made to the Executive Council members and to the Technical Secretariat. Data, not contained in the regular reports, might be requested by States Parties. The Director-General shall respond positively to such requests, unless they contravene the agreed rules for the classification of confidential information;

"(c) Information limited to the Technical Secretariat, to be used primarily for the planning, preparation and carrying out of verification activities. This category shall comprise mainly detailed, facility-related information, obtained from the relevant declarations, facility attachments and

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"1/ This material shall be transferred to the Preparatory Commission/ Director-General of the Technical Secretariat for consideration in the elaboration of relevant regulations.

conclusions from on-site inspections. The Director-General shall regulate the access to such information by the Technical Secretariat personnel on the "need-to-know" basis. Respect by the International Inspectorate and other Technical Secretariat personnel for confidential nature of information obtained will be ensured through contracts or appropriate recruitment and employment procedures as well as agreed measures applied against the Technical Secretariat staff in case of breach of rules for the protection of confidential information. Most sensitive information might be stored under code numbers rather than names of countries and facilities. Information, achieved through generalization of the facility-related data, could be, in accordance with the agreed procedure, released for use by States Parties;

"(d) Most sensitive kind of confidential information, containing data required only for the actual performance of an inspection like, e.g. blueprints, specific data related to technological processes, types of records. Such information shall be limited to justified needs for protection of technological know-how and shall only be available to inspectors on the site. It shall not be taken from the premises.

* * *

"The rules for classifying and handling of confidential information should contain sufficiently clear criteria ensuring:

- inclusion of information into appropriate category of confidentiality;
- establishing justified durability of confidential nature of information;
- rights of States Parties providing confidential information;
- procedures allowing, if necessary, to move a kind of information from one confidentiality category to another;
- modifications, when necessary, of procedures for handling individual categories of information.

"OUTCOME OF THE 1989 OPEN-ENDED CONSULTATIONS ON ARTICLE IX, PART 2: ON-SITE INSPECTION ON CHALLENGE 1/

"During the 1989 session, the Chairman of the Ad Hoc Committee carried out private and open-ended consultations on Article IX, Part 2 (on-site inspection on challenge). 2/ These consultations were based on the text elaborated by the Chairman of the Ad Hoc Committee for the 1987 session, Ambassador Rolf Ekéus of Sweden and by the Chairman of Working Group C for the 1988 session, as contained in CD/952, Appendix II, pages 193-195.

"This paper contains the outcome of these consultations but does not address all the issues covered in the former text. The paper is not presented as a draft Article IX, Part 2, but with the aim of furthering the process of elaboration of Article IX. Although the text of this paper is unbracketed, it does not necessarily constitute agreement.

"1. Each State Party has the right to request an on-site inspection in any other State Party in order to clarify (and resolve) any matter which causes doubts about compliance with the provisions of the Convention, or any concern about a matter pertaining to the implementation of the Convention and which is considered ambiguous, and to have this inspection conducted anywhere, at any time and without delay by a team of inspectors designated by the Technical Secretariat. The inspection shall be mandatory, with no right of refusal. A requesting State is under the obligation to keep the request within the scope of the Convention. Throughout the inspection, the requested State has the right and is under the obligation to demonstrate its compliance with the Convention.

"2. The request shall be submitted by the requesting State to the Director-General of the Technical Secretariat, 3/ 4/ who shall immediately notify the State to be inspected and inform the members of the Executive Council (as well as all other States Parties). The requesting State Party

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"1/ The Chairman of the Ad Hoc Committee for the 1990 session undertook open-ended consultations on Article IX as a whole.

"2/ A view was expressed that these consultations are preliminary, exploratory in nature and inexhaustive. Some major elements contained in this document require further consideration, and there are some other elements to be examined.

"3/ A view was expressed that the request should be channelled through a Fact-finding Panel.

"4/ It has been pointed out that there is a need to discuss ways and means to prevent misuse of such requests.

shall, as precisely as possible, specify the site to be inspected 1/ and the matters on which reassurance is required, including the nature of the suspected non-compliance, as well as indicate the relevant provisions of the Convention about which doubts of compliance have arisen.

"3. The mandate of the team of inspectors for the conduct of the inspection is the request put into operational terms, and must conform with the request. The team shall conduct the requested on-site inspection with the purpose of establishing relevant facts. The inspection team shall have the access to the site it deems necessary for the conduct of the inspection. It shall conduct the inspection in the least intrusive manner consistent with the effective and timely accomplishment of their task. The time-frame within which the team shall arrive at the site, secure it the way it deems necessary, have access to it and perform and conclude the inspection, and the relevant procedures, as well as the relationship of the representative of the requesting State to the inspection team and to the requested State are specified in (the Annex to this Article and in) the Protocol on Inspection Procedures.

"4. The requested State shall be under the obligation to admit the inspection team and the representative of the requesting State into the country, to assist the team throughout the inspection and to facilitate the task of the inspection team. In keeping with its right and obligation, the requested State may propose to the inspection team ways and means for the actual conduct of the inspection and also the protection of sensitive equipment or information not related to the Convention. The inspection team shall consider the proposals made to the extent it deems them adequate for the conduct of its mission. 2/

"5. In the exceptional case that the requested State proposes arrangements to demonstrate compliance, alternative to a full and comprehensive access, it shall inform the inspection team and make every effort, through consultations with the requesting State / and the inspection team 3/ / to reach agreement on the modalities for establishing the facts and thereby clarify the doubts. If no agreement is reached within 24 hours,

- the inspection shall be carried out in accordance with the request,

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"1/ Possible specification of the site in two steps to be further discussed.

"2/ The concepts of alternative measures and managed access need further clarification.

"3/ Further consideration is necessary on whether it is the requesting State Party or the inspection team or both which would agree on alternatives to access.

- or the inspection team shall carry out the inspection in accordance with the inspection mandate as it deems necessary;

- or the inspection team shall take the decision;

- or the inspection team shall carry out the inspection in accordance with the guidelines set by the Director-General of the Technical Secretariat. 1/

"6. The Director-General of the Technical Secretariat shall promptly transmit the report of the inspection team, which shall be factual (and contain, if necessary, individual observations of inspectors), to the requesting State, to the requested State, to the Executive Council and to all other States Parties. 2/ He shall further transmit promptly to the Executive Council the assessment 3/ of the requesting State, the views of the requested State and the views of other States Parties which may be conveyed to him for that purpose, and then provide them to all States Parties. 4/ When requested by any State Party, 5/ the Executive Council shall meet within 48 hours to review the situation and consider any appropriate further action necessary 6/ to

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"1/ The concepts of alternative measures and managed access need further clarification.

"2/ Further consideration is needed as to the nature of the report and as to how much of its contents is to be provided to all States Parties in view of the sensitivity of information possibly contained therein.

"3/ A view was expressed that the term 'assessment' is too vague.

"4/ Further discussion is needed with regard to the decision-making process and actions of States Parties and organizational bodies following a challenge inspection.

"5/ A view was expressed that the meeting of the Executive Council should be automatic.

"6/ A view was expressed that, with regard to follow-on actions of the Executive Council, it should not take a vote on the inspection report nor on whether a party is complying with the Convention. In this regard, the question of what further action the Executive Council might recommend, including possible sanctions after any on-site inspection, needs further consideration and discussion.

redress the situation and ensure that the Convention is being complied with, including specific proposals to the Conference of the States Parties. 1/ The Executive Council shall inform the States Parties of the outcome of its meeting. 2/

"1/ A view was expressed that in view of Article VIII procedures, this sentence is not necessary nor appropriate here. Placing it here seems to limit the many possible courses of action available to States Parties, the Executive Council and Conference of States Parties after a challenge inspection.

"2/ The view was expressed that further consideration is needed as to the extent to which the process after the submission of the inspection report

"Article X: Assistance and Protection against Chemical Weapons 1/

"1. For the purposes of this Article, protection against chemical weapons, which contributes to the undiminished security of States Parties, covers inter alia, the following areas: detection equipment and alarm systems, protective equipment, decontamination equipment and decontaminants, medical antidotes and treatments and advice on any of these protective measures. [Assistance means the co-ordination and delivery of such protection to States Parties.]

"2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to the Convention to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited by the Convention.

"3. [All States Parties to the Convention undertake to facilitate, and shall have the right to participate in, the fullest possible] [Nothing in this Convention shall be interpreted as impeding the right of States Parties to] exchange [of] equipment, material and scientific and technological information concerning means of protection against chemical weapons.

"4. The Technical Secretariat shall establish and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

"The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide experts for advice and assist it in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.

"5. [Each State Party has the right to request and shall receive assistance and protection against use or threat of use of chemical weapons, (hereinafter referred to as 'assistance') from the Organization and States Parties] [Each State Party has the right to request from other States Parties protection against chemical weapons, and from the Organization, assistance in this regard] if it considers that

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"1/ This text was elaborated during the 1989 session. Further consultations were undertaken in 1990. However, the Chairman concluded that conceptual differences remained. Further consultations are needed.

"(i) chemical weapons have been used against it;

"(ii) it faces actions or activities by any State which are prohibited for States Parties to this Convention. 1/

"6. [Each State Party undertakes to provide or support assistance] [as it may deem appropriate]. [For this purpose it may elect:

"(i) to contribute to the voluntary fund for assistance;

"(ii) to conclude, if possible within six months after the entry into force of the Convention, agreements with the Organization concerning the procurement, upon demand, of medical aid, medical treatment, protection equipment, services and technical advice;

"(iii) to declare within six months after the entry into force of the Convention the kind of assistance and protection it might provide in response to an appeal by the Organization.

The Organization shall [be empowered to] establish a voluntary fund, conclude agreements and receive declarations to implement the provisions set forth in this paragraph.]

"7. The Organization shall [provide] [process a request for] assistance in accordance with the following provisions:

"(a) the request shall be addressed to the Director-General of the Technical Secretariat and shall be accompanied by relevant [reliable and] specific information [on the nature of the circumstances];

"(b) the Director-General of the Technical Secretariat shall:

"(i) immediately inform the Executive Council, all States Parties [and the United Nations Security Council] about the request;

"1/ It is understood that if a State Party considers that it faces actions or activities by another State Party which might be otherwise incompatible with the purposes and objectives of the Convention, it has the right to request clarification in accordance with paragraphs 3-7 of Article IX.

"(ii) initiate within [24] hours an investigation 1/ 2/ 3/ in order to provide the foundation for [any] action by [the Organization] [or States Parties]. The investigation shall, as appropriate and in conformity with the request and the information accompanying it, establish facts related to the request as well as to the types and scope of assistance [and protection] necessary.

The investigation shall be carried out in accordance with the procedures ... (to be developed). 4/ 5/

"(c) In case the information available from the ongoing investigation and other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General of the Technical Secretariat shall provide such information to the Executive Council and all States Parties and [initiate] [initiate contacts and co-ordinate] emergency measures of assistance [in close consultation with the Executive Council] [with the prior consent of the Executive Council]. 6/

"1/ The relationship between this investigation and any concurrent Article IX investigation by the Organization need further consideration and discussion.

"2/ A view was expressed that the relationship with, and co-ordination between, this investigation and investigative activities of other international organizations, e.g. United Nations and the International Committee of the Red Cross, need further consideration and discussion.

"3/ The ability of the Organization to investigate actions involving a non-State Party needs further consideration.

"4/ In elaborating the procedures, appropriate elements of the inspection procedures under Article IX, including the time frames set forth therein, as well as the experience gained through investigations by the Secretary-General of the United Nations concerning the possible use of chemical weapons, shall be taken into account.

"5/ The need for quick and timely reporting, including interim reporting if necessary, as well as for speedy conclusion of the investigation has to be further elaborated.

"6/ In order to make emergency measures more effective, it has been proposed that sets of material be prepared and put as first-aid kit at the disposal of the Director-General of the Technical Secretariat.

"(d) After submission of the investigation report [and if requested by a State Party], the Executive Council shall meet within [24] hours to consider it [and shall take action not later than eight hours following the start of the consideration]. [On the basis of the report] [Following this consideration], the Executive Council shall [decide on the provision of assistance in conformity with paragraph 6] [decide on the utilization of resources available in conformity with paragraph 6] [and] [make recommendations to States Parties on the provision of assistance].

"[The decision of the Executive Council shall be taken by a simple majority]. The report of the investigation and [the decision taken by] [any recommendation of] the Executive Council shall be communicated to all States Parties.

"(e) The Director-General of the Technical Secretariat shall [implement the decision of the Executive Council] in close co-operation with the requesting State Party, other States Parties and relevant international agencies [and] [co-ordinate the collection and distribution of assistance].

"Article XI: Economic and technological development 1/

"1. The provisions of this Convention shall be implemented in a manner designed, in so far as possible, to avoid hampering the economic or technological development of Parties to the Convention and international co-operation in the field of peaceful chemical activities including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention.

"2. The States Parties to this Convention, subject to its provisions, shall:

"(a) have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer and use chemicals;

"(b) undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by this Convention;

"(c) not impose any restrictions [on a discriminatory basis] which would impede development and promotion of scientific and technological knowledge in the field of chemistry.

"This provision shall be without prejudice to the generally recognized principles and applicable rules of international law concerning peaceful chemical activities [including those concerning any proprietary rights and environmental or health protection].

"1/ Some delegations expressed the view that this Article required further consideration. In particular, in their view, there exists no common understanding as to the definition of key terms in the wording proposed for this Article, and therefore no clear picture of the extent of the obligations to be undertaken by States Parties.

"Article XII: Relation to other international agreements 1/

"1. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the [obligations] [rights and obligations] assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

"Each Party to this Convention that is also Party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, affirms that the obligation set forth in paragraph 3 of Article I supplements its obligations under the Protocol.

or/and

"2. This Convention shall not affect the rights and obligations of States Parties which arise from other agreements compatible with this Convention.

- or alternatively -

"None of the provisions of this Convention shall suspend or modify the commitments undertaken by States Parties pursuant to other international instruments related to this Convention.

"1/ Several delegations expressed the view that this article was not needed.

"Measures to Redress a Situation and to Ensure Compliance 1/

"1. Amend Article VIII.A.2. as follows:

All States Parties to the Convention shall be members of the Organization. The right of membership of the Organization cannot be withdrawn.

"2. Amend Article VIII.C.2.(d) as follows:

In particular, the Executive Council shall

"(d) consider any issue or matter within its competence, affecting the Convention and its implementation, including doubts or concerns regarding compliance and cases of non-compliance, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference of the States Parties. In its consideration of doubts or concerns regarding compliance and cases of non-compliance, including, *inter alia*, the abuse of rights provided for by the Convention, 2/ the Executive Council shall consult with the States Parties involved and, as appropriate, request corrective action, within a specified time, by the State Party. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures: 3/

"(i) inform all States Parties of the issue,

"(ii) bring the issue to the attention of the Conference of the States Parties,

"(iii) make recommendations to the Conference of the States Parties regarding measures to redress the situation and ensure compliance.

In cases of particular gravity and urgency the Executive Council shall [,if it deems necessary,] bring the issue, including relevant information [and recommendations], directly to the attention of the United Nations Security Council. It shall at the same time inform all States Parties of this step.

"1/ The view was expressed that the word 'Sanctions' better reflects the purpose of the following provisions.

"2/ The view was expressed that it was not necessary to mention the abuse of rights as a specific case of non-compliance.

"3/ The view was expressed that the role of the Executive Council at this juncture needs further elaboration.

"3. Additional provisions

"(a) The Conference of the States Parties shall take the necessary measures, as provided for under paragraphs (b) to (d) below, to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention. In considering action under this paragraph, the Conference of the States Parties shall take into account all information and recommendations on the issues submitted by the Executive Council.

"(b) In cases where a State Party has been requested to take action to correct problems regarding its compliance and where the State Party fails to fulfil the request within the specified time, the Conference of the States Parties [may] [shall] restrict or suspend the State Party's rights and privileges 1/ under the Convention until it undertakes the necessary action to conform with its obligations under the Convention.

"(c) In cases where serious damage to the objectives and purposes of the Convention may result from actions prohibited by the Convention, in particular by Article I, the Conference of the States Parties may recommend collective measures to States Parties in conformity with international law. 2/

"(d) The Conference of the States Parties may bring the issue, including relevant information [and recommendations], to the attention of the United Nations General Assembly and the United Nations Security Council when, in its opinion, international peace and security may be threatened.

"1/ The view was expressed that the question of restricting or suspending States Parties' rights and privileges needs further consideration.

"2/ The view was expressed that this paragraph should be given further consideration.

"Reservations 1/

"1. No reservations or exceptions, however phrased or named, [including interpretative statements or declarations], may be made to this Convention [unless expressly permitted by other provisions of the Convention].

"2. The provision in paragraph 1 above does not preclude a State when signing, ratifying or acceding to this Convention, from making statements or declarations, however phrased or named, provided that such statements or declarations do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State.

- or alternatively -

"This Convention shall not be subject to reservations.

"Status of Annexes

"The subject needs further discussion.

"1/ The view was expressed that the concerns of a State Party should be dealt with during the negotiations of the Convention so that reservations will not be necessary. Thus, the reservations issue should be dealt with at a further stage in the negotiations.

"Material on the Preparation Period

"Contents

Page

"I. Objective of work 286

"II. Measures connected with the negotiations 286

"III. Information and co-operation requirements of signatories prior to the entry into force of the Convention 286

"I. OBJECTIVE OF WORK

"1. The general objective of the work connected with the preparation period is to ensure:

"(a) the entering into force of the Convention without undue delay, and to create the conditions necessary for its implementation from the very beginning;

"(b) the promotion of a universal adherence to the Convention. 1/

"II. MEASURES CONNECTED WITH THE NEGOTIATIONS

"1. The provision of relevant data will be instrumental for the elaboration of procedures, the identification of thresholds and the assessment of costs.

"States should be encouraged to participate in the exchange of such information. Further discussion to increase the compatibility of such information might be necessary. The outline for the provision of data to the Preparatory Commission, as contained in attachment 2, could be used as starting point for such a discussion.

"2. The transmission of material not being part of the text of the Convention to the Preparatory Commission has to be arranged for in advance.

"A register should be established by the Secretariat of the *Ad hoc* Committee, which will include documents relevant to the further preparation of the implementation of the Convention. An example for the possible structure of such a register is comprised in attachment 3.

"III. INFORMATION AND CO-OPERATION REQUIREMENTS FOR SIGNATORIES PRIOR TO THE ENTRY INTO FORCE OF THE CONVENTION

"The work to be accomplished by the Preparatory Commission will be complex and manifold. The correct functioning of the implementation mechanism of the Convention will depend to a large extent on the results which this body will achieve in the course of its activities. The contributions of signatories to the Convention will be instrumental to this end. 2/

"1/ Further consideration of specific activities on this subject will be necessary.

"2/ See the attachment 1 on preparation activities.

"The following requirements will have to be met:

"1. Information on the progress of the ratification process

"2. Information on

CW stockpile facilities

CW production facilities

CW destruction facilities

Production of chemicals included in Schedules 1, 2, 3 1/

National Authorities

"3. Co-operation in the following fields:

acquisition and testing of instruments and devices for monitoring and inspection activities;

designation of instruments for routine and challenge inspection;

designation and installation of off-site laboratories and elaboration of respective procedures;

preparation for the designation of inspectors;

training of inspectors for verification activities (routine and challenge inspection);

prenegotiation of facility agreements related to facilities to be inspected under Articles IV, V and VI;

preparation for designation of points of entry.

"4. In order to ensure that these requirements will be met in the appropriate time-frames, concrete arrangements might be necessary. 2/

"1/ An outline for the provision of such data is attached to this paper.

"2/ The legal status of the Preparatory Commission and the obligations of States Signatories thereto needs further consideration.

"ATTACHMENT 1

"Overview of some activities of the Organization to be carried out after entry into force of the Convention, the ensuing preparatory work to be accomplished prior to this date and the information and co-operation requirements arising for signatories

Provision	Activity of the Organization	Time to start after entry into force	Preparatory work	Information and co-operation requirements
III, IV, V	Declarations to receive, compile and distribute to States Parties i.e. general and detailed declarations on CW stocks, CW production facilities, general and detailed plans for CW destruction and destruction/ conversion of production facilities	30 days 6 months or 9 months	Establishment of administrative framework for declaration and data as well as preparation for the study, compilation and dissemination of data and declaration to States Parties and other units of the Secretariat	Information on the progress in the process of ratification to enable planning for the date when the Convention enters into force
VI	Declarations on activities not prohibited by the Convention (relevant chemicals and facilities which produce, process or consume them)	30 days resp. annually		
IV (3)	Verification of declaration on CW at the location of each stockpile	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW stocks, their size and number of locations
IV (3)	Verification of non-removal of CW-stockpiles (continuous presence of inspectors and monitoring with instruments)	30 days/ continuously	Development and procurement of monitoring instruments and devices for the inventory control procedure	Acquiring and testing of monitoring instruments and devices

"ATTACHMENT 1 (continued)

IV (6)	Verification of destruction (continuous presence of inspectors and monitoring with instruments during active destruction phase)	After 1 year or earlier until the end of destruction	Recruitment and training of (...) inspectors & supporting staff, development and procurement of instruments	Number of destruction facilities. Approximate time of operation, operation schedules, acquiring and testing of instruments and devices
V (5)	Verification of declarations of CW production facilities	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW production facilities, their number and location
V (6)	Inspection and continuous monitoring of closure of CW production facilities (periodic & on-site instruments)	3 months until destruction	See above & development and procurement of instruments	See above & acquiring and testing of instruments
V (8)	International verification of destruction of CW production facilities	Not later than 12 months until the end of destruction	Recruitment and training of (...) inspectors & supporting staff	Support in training activities
V (9)	International verification of temporary conversion of a CW production facility into a CW destruction facility	See above	See above	Information about intention of conversion
VI Annex VI (1) II, 4	Initial visits to SSPFs and "other facilities"	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on SSPFs and "other facilities" in operation upon entry into force
	Systematic on-site verification of SSPFs and "other facilities" through on-site inspection and monitoring with instruments	Immediately after 30 days	See above & development and procurement of instruments	See above & acquiring and testing of instruments

"ATTACHMENT 1 (continued)

VI Annex VI (2), 9	Initial visits	Immediately after 30 days	Recruitment & training of (...) inspectors & supporting staff development and procurement of instruments	Information on facilities producing, processing or consuming chemicals listed in Schedule (2), acquiring and testing of instruments
Annex VI (2), 5	Systematic on-site verification on routine basis			
IV Annex IV, II, 3	Conclude agreements concerning storage facilities	Within (6) months	Establishment of administrative framework for agreements and negotiations, further refinement of models for agreements, prenegotiation of such agreements with States Parties which will be needed during the first year	Prenegotiation of agreements on facilities under Articles IV, V, VI respectively with the Preparatory Commission
IV Annex IV, V, 5	Conclude agreements concerning on-site verification of CW destruction facilities resp. combined plans for destruction and verification	Earlier than 12 months		
V Annex V, V, 2	Conclude agreements concerning on-site verification of declarations and systematic monitoring of closure and verification of destruction of CW production facilities	Within (6) months	See above	See above
VI Annex VI (1), II, 5	Conclude agreements concerning on-site verification of SSPFs and "other facilities"	Immediately after 30 days	Further elaboration of the model for an agreement, prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission

"ATTACHMENT 1 (continued)

VI Annex VI (2), 11	Conclude agreements concerning on-site verification of facilities producing etc. chemicals listed in Schedule (2)	(6) months	Prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission
IV Annex IV, II, 7 and V, 7 VI (2) 14	Samples analysis in off-site laboratories designated by the Organization	Immediately after 30 days	Setting up a scheme of standardized equipment for off-site laboratories, designation of off-site laboratories and procedures for transport and handling of samples	Co-operation in the designation of off-site laboratories, installation of such laboratories pursuant to the schemes of the Preparatory Commission
Guidelines on the International Inspectorate (routine and challenge)	Designation of inspectors and inspection personnel	Immediately	Indication to signatories which inspectors are chosen for designation	Indication to the Preparatory Commission whether the inspectors might be acceptable
	Agreement on points of entry	Immediately	Preliminary agreement	Preliminary agreement
IX, 2	Carrying out of challenge inspections	Immediately	Training of inspectors for challenge inspections	Support in training activities
IX, 2	Designation of instruments for purposes of challenge inspection	Immediately	Development, procurement, testing, preliminary designation	Acquiring and testing of instruments
VII	Communicate with National Authorities	Immediately	Preparation of a list of names, addresses, communication lines	Providing data on National Authorities

"ATTACHMENT 2

"Nature of data to be submitted

"Such data would include, inter alia:

"1. Information on CW stockpile facilities

- number of facilities
- size of each facility (agent tons, square km)
- aggregate amount (agent tons)

"2. Information on CW production facilities

- number of facilities
- preliminary plans for their destruction

"3. Information on CW destruction facilities

- number of facilities
- preliminary plans for the destruction of CWs
- (time-frames for the first active destruction phase)

"4. Production of Schedule-1-chemicals

"4.1 Information on SSF

- location of the facility

"4.2 Information on 'other facilities' producing above 100 g

- number of facilities
- location of the facilities

"5. Production etc. of Schedule-2-chemicals

- number of facilities
- location of the facilities
- names of chemicals produced etc. at each facility
- production etc. amount per annum at each facility (in ranges)

"6. Production etc. of Schedule-3-chemicals

- number of facilities
- location of the facilities
- names of chemicals produced etc. at each facility
- production etc. amount per annum at each facility (in ranges)

"7. Others

"ATTACHMENT 3

"Possible structure of a register for material of relevance for the further preparation and eventual implementation of the Convention

"(A) Documents tentatively agreed upon, but not forming part of the draft (possible example: model for agreements on facilities).

"(B) Recorded understandings related to the work of the Preparatory Commission and/or the Organization.

"(C) Problems on which further work is required after the negotiations have been terminated.

"(D) Information on intentions of Governments concerning voluntary contributions for the Preparatory Commission, the Organization and States to assist in the preparation of the implementation of the Convention.

"(E) Studies, data-base, technical expertise related to the activities of the Organization in the implementation process (example: experience on trial inspections, data provided).

"(F) Other documents.

"OTHER DOCUMENTS

"During the 1990 session of the Conference on Disarmament, proposals and suggestions were presented regarding ways and means of achieving universal adherence to the Convention. These are included for further consideration:

"CONFERENCE ON DISARMAMENT

CD/CW/WP.303
28 June 1990

Original: ENGLISH

"*Ad Hoc* Committee on Chemical Weapons

"UNION OF SOVIET SOCIALIST REPUBLICS
UNITED STATES OF AMERICA

"Proposed Revisions to the Rolling Text

"Article IV

"Revise paragraph 5 (as in CW/Group B/5/Rev.3; 9 April 1990) to read as follows:

"'5. Each State Party shall:

"(a) destroy all chemical weapons pursuant to the Order of Destruction specified in the Annex to Article IV, beginning not later than one year from the date the Convention enters into force for it, and finishing not later than 10 years after the Convention enters into force or as determined by the special conference of States Parties to be held pursuant to Article VIII, section B, subsection (b), paragraph 4 *bis*. However, a State Party is not precluded from destroying its chemical weapons at a faster pace;"'.

"Article VIII

"B. Conference of the States Parties

"(b) Powers and functions

"Add a new subparagraph 4 *bis* as follows:

" 'A special conference of States Parties shall be held at the end of the eighth year after the date of entry into force of this Convention to discuss the implementation of the principles and objectives of the Convention. This special conference shall, *inter alia* determine in accordance with the procedures specified in the Annex to Article IV, whether the participation in the Convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years. The conference shall not have the authority to amend the Convention."'.

"Annex to Article IV

(text as in CW/Group B/5/Rev.3; 9 April 1990)

"Revise paragraph 2, first tick, in section III, subsection B to read as follows:

> " '- shall start the destruction of Category 1 chemical weapons not later than one year from the date the Convention enters into force for it, and shall complete it not later than 10 years after the entry into force of the Convention, or as determined by the special conference of States Parties to be held pursuant to Article VIII, section B, subsection (b), paragraph 4 bis.'". (remainder of text unchanged)

"In Section III, subsection B, add a new paragraph 3 as follows:

> " '3. At the special conference of States Parties to be held pursuant to Article VIII, section B, subsection (b), paragraph 4 bis, an affirmative decision that participation in the Convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years shall require the agreement of a majority of the States Parties that attend the special conference, with such majority including those States Parties attending the special conference that had taken the following three steps:
>
> "(a) presented officially and publicly, before 31 December 1991, before the Conference on Disarmament, a written declaration that they were at the time of that declaration in possession of chemical weapons;
>
> "(b) signed the Convention within thirty days after it was opened for signature; and
>
> "(c) became a party to the Convention by no later than one year after its entry into force.'".

"Statement by the Group of 21 on the 'Proposed Revisions to the Rolling Text'

"The Group of 21 takes note of the bilateral agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on 1 June 1990. It considers the decision by the USSR and the United States to halt the production of chemical weapons and to start the destruction of the bulk of their declared chemical weapons stockpiles to be an important and positive step. The Group hopes that this agreement shall enter into force in the near future.

"However, the Group of 21 regrets the proposed revisions to the present draft convention as contained in CD/CW/WP.303 which will have negative effects because they, inter alia, put conditions and postpone the decision for the total elimination of chemical weapons, give rights to States based on the possession of chemical weapons, and create a situation of legal uncertainty about the scope and the implementation of the multilateral convention. The Group emphasizes that the ultimate goal must be a non-discriminatory convention of a universal adherence.

"The Group of 21 is convinced that the bilateral agreement should not be the model for a multilateral treaty and believes that there should be no deviation from the principal undertakings in the present draft convention. In this regard, the Group of 21 is of the view that the total destruction of all chemical weapons and chemical weapons production facilities should be unconditional and decided from the very conclusion of the convention as already provided for in the present draft convention so that by the end of the 10 years destruction period all chemical weapons and chemical weapons production facilities would be totally eliminated. This undertaking should be without any reservation.

"The Group of 21 reaffirms its position that the future convention on chemical weapons should prohibit the use of such weapons under any circumstances from the date the convention enters into force. This undertaking is already provided for in article I, paragraph 3, of the draft convention.

"The Group of 21 opposes any measures which are aimed at establishing a non-proliferation régime in the field of chemical weapons. In its view, non-proliferation in all its aspects can only be achieved through a total and comprehensive ban of chemical weapons.

"CONFERENCE ON DISARMAMENT

CD/1025
CD/CW/WP.314
31 July 1990

ENGLISH
Original: SPANISH

"PERU

"PROPOSAL BY PERU FOR THE INCLUSION IN THE CHEMICAL WEAPONS CONVENTION OF AN ARTICLE ON 'DURATION'

" 'This Convention shall be permanent in character and shall continue in force indefinitely. The obligations flowing from it shall nevertheless cease for States Parties not possessing chemical weapons if, 90 days after the conclusion of the period of destruction provided for in article (...), the Organization is not in a position to declare that all the States Parties have fully carried out their obligations specified in article I of this Convention.'".

E. Prevention of an Arms Race in Outer Space

116. The item on the agenda entitled "Prevention of an Arms Race in Outer Space" was considered by the Conference, in accordance with its programme of work, during the periods 5-9 March and 2-6 July 1990.

117. The list of documents presented to the Conference during its 1990 session under the agenda item is contained in the report submitted by the Ad hoc Committee referred to in the following paragraph.

118. At its 576th plenary meeting, on 24 August 1990, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 541st plenary meeting (see paragraph 9 above). That report (CD/1034) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 541st plenary meeting on 8 March 1990, the Conference on Disarmament adopted the following decision:

> 'In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the First Special Session of the General Assembly devoted to disarmament, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under Item 5 of its agenda entitled "Prevention of an arms race in outer space".
>
> 'The Conference requests the Ad Hoc Committee, in discharging that responsibility, to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.
>
> 'The Ad Hoc Committee in carrying out this work, will take into account all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad Hoc Committee, in 1985, and report on the progress of its work to the Conference on Disarmament before the end of its 1990 session.'

"2. In that connection a number of delegations made statements regarding the scope of the mandate.

"II. ORGANIZATION OF WORK AND DOCUMENTS

"3. At its 541st plenary meeting on 8 March 1990, the Conference on Disarmament appointed Ambassador Gerald Shannon (Canada) as Chairman of the Ad Hoc Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as the Committee's Secretary.

"4. The Ad Hoc Committee held 16 meetings between 13 March and 14 August 1990.

"5. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee: Austria, Bahrain, Chile, Denmark, Finland, Greece, Honduras, Iraq, Ireland, Malaysia, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Syria, Turkey, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

"6. In addition to the documents of the previous sessions, 1/ the Ad Hoc Committee had before it the following documents relating to the agenda item submitted to the Conference on Disarmament during the 1990 session:

CD/908/Rev.1 CD/OS/WP.29/Rev.1	Letter dated 22 March 1990 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Venezuela transmitting a list of existing proposals on the prevention of an arms race in outer space;
CD/976	Mandate for an Ad Hoc Committee under item 5 of the agenda of the Conference on Disarmament entitled 'Prevention of an Arms Race in Outer Space';
CD/990	Letter dated 18 April 1990 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada to the Conference on Disarmament transmitting a compendium comprising plenary statements and working papers relating to the 1989 session of the Conference on Disarmament;
CD/OS/WP.28/Rev.1	Letter dated 25 June 1990 from the Permanent Representatives of the Mongolian People's Republic addressed to the Chairman of the Ad Hoc Committee on Prevention of an arms race in outer space transmitting a working paper entitled 'Review of proposals and initiatives of the States Members of the Conference on Disarmament under agenda item 5, "Prevention of an Arms Race in Outer Space"';
CD/OS/WP.41	Programme of Work;

"1/ The list of documents of the previous sessions may be found in the 1985, 1986, 1987, 1988 and 1989 reports of the Ad Hoc Committee, and in the special report to the third special session of the General Assembly devoted to disarmament (CD/642, CD/732, CD/787, CD/870, CD/834 and CD/956, respectively).

CD/1015
CD/OS/WP.42 Working paper entitled 'Proposals for the strengthening of the régime established by the Convention on Registration of Objects Launched into Outer Space' submitted by Argentina.

"III. SUBSTANTIVE WORK DURING THE 1990 SESSION

"7. Following an initial and extensive exchange of views and consultations on the programme and organization of work held by the Chairman with various delegations, the *Ad Hoc* Committee, at its 6th meeting on 24 April 1990, adopted the following programme of work for the 1990 session:

'1. Examination and identification of issues relevant to the prevention of an arms race in outer space;

'2. Existing agreements relevant to the prevention of an arms race in outer space;

'3. Existing proposals and future initiatives on the prevention of an arms race in outer space.

'In carrying out its work with a view to finding and building upon areas of convergence, the *Ad Hoc* Committee will take into account developments which have taken place since the establishment of the Committee in 1985.'

"8. With regard to the organization of work, the *Ad Hoc* Committee agreed that it would give equal treatment to the subjects covered by its mandate and specified in its programme of work. Accordingly, the Committee agreed to allocate the same number of meetings to each of those subjects, namely, issues relevant to the prevention of an arms race in outer space, existing agreements and existing proposals and future initiatives. It was noted that any member wishing to do so may discuss any subject important and relevant to the work of the Committee.

"9. The work of the *Ad Hoc* Committee was governed by the mandate which aims at the prevention of an arms race in outer space.

"A. *Examination and identification of issues relevant to the prevention of an arms race in outer space*

"10. During the debates in the Committee, member States had an opportunity to exchange views and express positions on different subjects relevant to the prevention of an arms race in outer space. Many delegations defined the subjects discussed, *inter alia*, as follows: determination of the scope and objectives of multilateral work under the agenda item; the status of outer space as the common heritage of mankind which should be used exclusively for peaceful purposes; the absence at present of weapons in space; the relationship between the prevention of an arms race in outer space and arms limitation and disarmament measures in other areas; the role of the bilateral negotiations and their interaction with the multilateral activities in this field; the identification of the functions performed by space objects, and of the threats confronting them; vulnerability and immunity of satellites; their role and use for purposes of reliable verification; a concept of a comprehensive international verification system; questions relating to compliance and the need for information on how outer space is being used and on national space programmes of military significance; the need for identification and elaboration of mutually agreed legal terms; examination of sufficiency and adequacy of the existing legal régime; various approaches to reach a common understanding of what the existing legal norms do with regard to outer space activities; and functioning of the existing legal instruments.

"11. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America and it was stressed that bilateral and multilateral efforts were complementary. Many delegations emphasized that those negotiations did not diminish the urgency of multilateral negotiations and reaffirmed that, as provided for in General Assembly resolution 44/112, the Conference on Disarmament, as the single multilateral disarmament negotiating forum, had the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects. They also stressed that the scope of the work of the Conference on Disarmament was global and larger than the scope of the bilateral negotiations. Some other delegations, while recognizing the need for the Conference to play a role with respect to problems relating to the prevention of an arms race in outer space, stressed that nothing should be done that would hinder the success of the bilateral negotiations. Furthermore they believed that multilateral disarmament measures in this area could not be considered independently of developments at the bilateral level.

"12. The Group of 21 emphasized that General Assembly resolution 44/112 had requested the Conference on Disarmament to consider as a matter of priority the question of preventing an arms race in outer space and to intensify its consideration of that question, taking into account all relevant proposals and initiatives, as well as to re-establish an ad hoc committee with an adequate mandate in 1990, with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects. Reaffirming its commitment to the provisions of this resolution, this Group considered its adoption as an expression of strong support to entrust the Ad Hoc Committee with an improved mandate in conformity with the responsibilities of the Conference on Disarmament as the single multilateral forum for disarmament negotiations. The same Group expressed the view that the Ad Hoc Committee on the prevention of an arms race in outer space has examined and identified the need for strict compliance with existing agreements and also has considered further measures and the need to hold appropriate international negotiations in accordance with the spirit of the Outer Space Treaty. It recalled the large number of proposals from all groups introduced in the Conference on Disarmament since the inception of the work of its Ad Hoc Committee in 1985. The Group considered the additional reference in the Programme of Work this year that the Ad Hoc Committee should carry out its work by finding and building upon areas of convergence as representing a certain qualitative improvement in the Committee's organizational context. This Group saw it as a clear recognition of the need to identify concrete areas for practical work in this field thus leaving behind the purely deliberative stage in which the Committee had operated since its establishment, particularly with reference to item 3 of the programme of work.

"13. The Western Group was convinced that the mandate of the Ad Hoc Committee adopted by the Conference was sufficiently clear, broad and flexible to allow all interested delegations to contribute in a constructive way to reaching our common goal, the prevention of an arms race in outer space. One delegation, a member of this Group, while sharing the objective of the item under which the Ad Hoc Committee was established, believed that the CD should do everything possible to improve collective security whether on Earth or in space. Recognizing the importance of the two Powers with the overwhelming capability in this area this delegation considered that the best way to begin the process was by direct negotiations between them. Meanwhile it believed that the CD does have a role to play. While holding the view that the Committee was not in a position to begin multilateral negotiations the delegation hoped that the discussion of various proposals would produce consensus on what is feasible and desirable. It considered that the aim in the Conference on Disarmament should be the continuation of the discussion of general considerations - technical, legal, political, military and strategic - to identify areas where the Conference might make a genuine contribution to prevent an arms race in outer space.

"14. Many delegations stated that the prevention of an arms race in outer space remained one of the major concerns of the community of States. One delegation of a non-member State believed that the verification of arms control agreements should constitute the sole military use of space. The disclosure by States of other military activities in space would constitute a great step forward towards the achievement of this objective. Another delegation stressed that the prevention of an arms race in outer space was an area that must be tackled with renewed commitment. An area that must be reserved for the common welfare of mankind cannot be subjected to power politics. As to the general environment against which space activities take place, this delegation stated that the increasing number of countries becoming involved in space activities make the consideration of the item in the Conference on Disarmament even more relevant. Furthermore, it indicated that as far as space activities are concerned, the encouraging signs one sees on disarmament related questions on Earth are absent. The absence of a consensus on the need to complete and develop a legal régime widely recognized as insufficient, coupled with the continuing disagreements between the two major space Powers create an extremely precarious situation. Referring to the work carried out by the Conference, after five years of consideration of the item, this delegation indicated that a qualitative step forward was possible. To this end, the Group of 21 stressed that the specific areas under consideration should be clearly delimited and determined by a rolling text of an analytical nature. Otherwise, the work of the Conference would not rise above the level of an exchange of views, more befitting a deliberative body than one with the characteristics of the CD.

"15. Members of the Group of East European and other States stated that the CD faced many problems as it moved into the 1990s. In their view, rapid and serious steps were urgently needed now to address these problems. Referring to a considerable number of proposals on the table, these delegations expressed their readiness to hold intensive discussions with the involvement of experts. In their view, far-reaching understanding seemed to exist in terms of the usefulness of confidence-building measures (e.g., proposals made by France, Canada, the Union of Soviet Socialist Republics, the Federal Republic of Germany and Poland). The same holds true for the proposals advanced by East European States and non-aligned countries concerning agreements on the prohibition of anti-satellite weapons and other space weapons. With reference to the recent General Assembly resolutions, one delegation stated that the prevention of an arms race in outer space remained one of the major concerns of the international community. That State supported all measures negotiated and agreed bilaterally or multilaterally, even if they are incomplete, which could prevent the introduction of weapons and weapons systems in outer space. It favoured respect for and the broadening of all existing rules in this field. This delegation was ready to give its support to proposals concerning, inter alia, the banning of anti-satellite weapons, the elaboration of a code of conduct in outer space or the monitoring of objects launched into space.

"16. Stressing that arms control and disarmament are not ends in themselves but means to a more important goal, that of enhanced security, some delegations noted that a large majority of space activities consists of military activities and noted that many such activities clearly had stabilizing roles and were vital components of deterrence and strategic stability. They noted that military systems deployed in space accomplished a variety of support missions and that they played a vital role in the strategic relationship of the two major Powers. They considered that, while the Ad Hoc Committee had had very substantial discussions, fundamental divergences persisted and the work was still in an exploratory phase. In their view, the prevention of an arms race in outer space was linked to and should take into account progress in other fields of arms limitation and disarmament, in particular the reduction of nuclear weapons. These delegations continued to underline the importance of issues relating to verification of and compliance with existing and future agreements and held that those issues required a more thorough examination. They also stressed the need for detailed information on national space programmes that had military implications.

"17. Some delegations reckoned that discussions on definitions so far had been unsatisfactory and had shown that without consensus about the basic assumptions and without agreement upon the technical, juridical and doctrinal meaning of a definition, any attempt to achieve clarity in conformity with intended treaty obligations would remain academic. The view was expressed that the Committee should discuss the existing military activities in space and look at the value and utility of such activity. One delegation indicated that useful work could be done on the definition of relevant terms as this would provide a basis both for discussion and future negotiations and would speed up work at the CD by precluding sterile arguments over semantics.

"18. One delegation stated that since 1985, the Conference had considered, in successive *ad hoc* committees, questions related to the 'prevention of an arms race in outer space'. Its country had conducted its own examination of possible measures that might be feasible and desirable to serve as the basis for possible negotiations on further multilateral arms control agreements that apply to outer space. To date, its Government has yet to see any proposals from others that it believes are feasible, desirable and verifiable. And the country has not identified any such appropriate measures to propose. The delegation declared that it was prepared to consider any proposal that emerges there but is not able to accept calls for multilateral negotiations in this area.

"19. One delegation held that the prevention of an arms race in outer space and the peaceful utilization of it is the common aspiration of the people across the world. But it considered that in spite of the acceleration of the process of disarmament, the arms race between the super-Powers has not ended but on the contrary has taken on a new trend, a dimension of which is the extension of the arms race into outer space. Hence preventing an arms race in outer space has become a major task in the field of disarmament. In its view the arms race in outer space based on the latest developments in science and technology is a qualitative escalation of the arms race in nature, which not only poses a threat to international peace and security but is also detrimental to the activities aimed at the peaceful utilization of outer space. Furthermore, it considered that it will have an adverse effect on the process of nuclear disarmament by pushing up the nuclear arms race to a new height. Confronted with such a reality it stands to reason for the international community to demand that the two countries with the largest space capabilities bear special responsibilities in preventing an arms race in outer space. They should adopt practical measures in undertaking not to develop, test or deploy any types of space weapons, and on this basis conduct negotiations with a view to concluding an international agreement that completely bans all space weapons. It took note of the bilateral negotiations on space issues between the two major space Powers and pointed out that so far nothing substantive has been achieved. The delegation recalled the relevant provisions of the United Nations General Assembly resolution 44/112. It also recalled that its State has all along been opposed to the arms race in outer space and stood for the complete prohibition and thorough destruction of all kinds of space weapons, including both anti-ballistic missiles and anti-satellite weapons, because these two kinds of weapons are inseparable.

"20. Many delegations reiterated that outer space was the heritage of all mankind and as such it should therefore remain a domain for exclusively peaceful co-operation, thus making it of vital importance to prevent an arms race in outer space. Some delegations pointed out that to date the Conference has performed useful work on identifying and clarifying the various aspects of this complex item and has before it numerous proposals aimed at supplementing and elaborating upon the existing legal régime, which should continually be strengthened. In their view, the Conference should urgently fulfil its role in the elaboration of new instruments of a legal character which would, in an all-embracing and multilateral way, tackle the issue of the non-militarization of outer space. Those delegations maintained that the timeliness for effective solutions could be seen from the statement made in the plenary of the Conference that United States-Soviet bilateral negotiations are 'based upon a mutual recognition that there is no absolute weapon - offensive or defensive'; which clearly indicated the negative consequences of deployment of any weapons in outer space. They also recognized to be an urgent issue, as an increasing number of countries are becoming technologically capable of conquering outer space, in which only military activity aimed at verifying disarmament treaties could be useful. In their view the urgent elaboration of a system of confidence-building measures would clear the way for essential steps towards preventing the arms race.

"B. Existing agreements relevant to the prevention of an arms race in outer space

"21. The *Ad Hoc* Committee recognized that activities in the exploration and use of outer space should be carried out in accordance with international law. The importance of the principles and provisions of international law relevant to the prevention of an arms race in outer space was stressed.

"22. Some delegations underlined the central role that the Charter of the United Nations played in the legal régime applicable to outer space. In that connection they stressed the special significance of paragraph 4 of Article 2 and Article 51. They noted that Article 2(4) prohibits the threat or use of force against the territorial integrity or political independence of any State. Complementing Article 2(4), Article 51 permits States to exercise their inherent right of individual or collective self-defence. These delegations thus concluded that when read together, these two Charter provisions strictly prohibit the use of force in all instances except self-defence. Accordingly, they believed that these provisions afforded a substantial degree of protection to space objects. Other delegations reaffirmed the importance of the United Nations Charter, but, at the same time, reiterated that its provisions concerning the non-use of force could not, in and of themselves, be sufficient to preclude an arms race in outer space - just as they had not done so on Earth - since they did not address the question of the development, testing, production and deployment of weapons in space. These delegations recalled that the legal provisions of these articles had not diminished the universally-recognized need to negotiate disarmament agreements and even to ban specific types or whole classes of weapons, such as biological, nuclear, chemical and radiological weapons. In their view, Article 51 of the Charter could not be interpreted as justifying the use of space weapons for any purposes or the possession of any type of arms based on the use of space weapons. They also stressed that Article 51 could not be invoked to legitimize the use or threat of use of force in or from outer space. In this context, they noted that the objective agreed upon by consensus, both at multilateral and bilateral levels, was not to regulate an arms race in outer space but to prevent it, and that any attempt to justify the introduction of weapons in that environment contradicted that objective. One delegation stated that the right to legitimate self-defence enshrined in Article 51 of the Charter does not authorize any State to extend its military power into space nor to use that environment as an arena to station its instruments of destruction, endangering the security and integrity of other States.

"23. One delegation, a member of the Group of 21, stressed that Article IV of the Outer Space Treaty, contains a built-in limitation, as its scope does not extend to banning all types of weapons in outer space. It prohibits, inter alia, the placing, installing or stationing of nuclear weapons and other weapons of mass destruction only. Its provisions do not therefore contain a clear-cut injunction to ensure that outer space is used exclusively for peaceful purposes. In the view of this delegation the principle of exclusive use for peaceful purposes applies only to the Moon and other celestial bodies and the only restriction placed on States parties pertains to the prohibition of the establishment of military bases, installations and fortifications, the testing of any type of weapon and the conduct of military manoeuvres on celestial bodies. The delegation considered that this meant that there was an inherent contradiction in the same article of the Treaty, thereby creating as a result not one but two legal régimes - one applicable to outer space and the other confined to the Moon and other celestial bodies. Another delegation belonging to the same Group shared these opinions and added that the peaceful use of outer space must not be against the primordial aim of safeguarding international peace and security, a use which would not imply a violation of the fundamental principles and aims of the United Nations Charter, particularly the rule of paragraph 4 of Article 2 of the Charter, which prohibits any activity which threatens or implies the use of force against the territorial integrity and political independence of a State.

"24. Some delegations pointed out that as a result of the work accomplished in the past years, the Committee had at its disposal a sound analysis of the existing international law of outer space and a number of constructive proposals.

"25. Some delegations observed that when the Outer Space Treaty was negotiated, the possibility that space-based anti-satellite weapons or defence systems could be developed was not foreseen and the Treaty, in fact, was a response to the challenges that space technology created in the 1960s. One delegation stressed that the first paragraph of article IV of the Treaty, represented a legal loophole exploited by the Powers to develop a new generation of weapons that can be placed in outer space. The Group of 21, while recognizing that the legal régime placed some limitations on certain weapons and military activities in outer space, emphasized that existing legal instruments left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction. Consequently, according to that Group these were not sufficient to prevent an arms race in that environment, particularly in view of the rapid pace of progress in space science and technology as well as ongoing military space programmes. That Group believed that there is an urgent need to consolidate, reinforce and develop that régime and enhance its effectiveness with a view to preventing an arms race in outer space.

"26. One delegation stated that although space law has a variety of sources, including customary international law, the Charter of the United Nations, bilateral agreements relating to outer space and a series of treaties addressing specific issues of space law - the corner-stone of international space law is the Outer Space Treaty of 1967. Scrupulous compliance with the principles of the Treaty has served the international community well in the past and should continue to do so in the future. In the view of this delegation, the Outer Space Treaty contains several provisions relevant to those issues of concern for this Committee. Article IV prohibits the orbiting around the Earth, stationing in outer space, or installation on celestial bodies of nuclear weapons or any other kinds of weapons of mass destruction. This provision sufficiently addresses the major concerns of the community of nations, while permitting those activities necessary for minimum strategic stability consistent with the use of outer space for peaceful purposes. One of the most important principles of international law, recognized in Article 51 of the United Nations Charter, is the right of nations to defend their sovereign, territorial integrity and political independence. Like the high seas and international airspace, international law has always considered space available for those non-aggressive activities that have been proven to promote international stability. In addition to the Outer Space Treaty and the subsequent treaties addressing the exploration of outer space, certain arms control treaties have provisions specifically applicable to space activities. Important among these is the Anti-Ballistic Missile Treaty of 1972. The history of this agreement demonstrates the value of permitting States with paramount interests in certain areas of the arms control process to resolve their fundamental differences by means of such bilateral arrangements. The delegation emphasized that it was of the firm belief that any perceived gaps in the legal régime can be satisfied by particular attention to the principles now in existence. It underlined its deep commitment to the use of outer space for peaceful purposes and for those defensive aspects of the security of that State that require a military presence in space. It stated that its State intended to pursue with deliberate speed its objectives in accordance with international law.

"27. Some delegations expressed serious concern that one space Power went ahead with its strategic defence programme by having conducted or planning a number of experiments which would lead to growing mistrust and might intensify the arms race.

"28. Various delegations believed that the present legal régime governing outer space was no longer adequate to guarantee the prevention of an arms race occurring in outer space. It was noted that General Assembly resolution 44/112 recognized the urgency of preventing an arms race in outer space and requested the Conference on Disarmament to undertake negotiations for the conclusion of binding agreement or agreements, as appropriate. While recognizing the significant role played by that régime and the need to consolidate and strengthen it and its effectiveness, several delegations called for the total prohibition of the development, production, stationing, stockpiling and use of space weapons and the destruction or transformation of existing weapons.

"C. Existing proposals and future initiatives on the prevention of an arms race in outer space

"29. Some delegations, stressing the urgency of forestalling the introduction of weapons in space, discussed comprehensive proposals for the prevention of an arms race in outer space, such as those calling for a treaty prohibiting the use of force in outer space or from space against Earth, a treaty prohibiting the stationing of weapons of any kind in outer space and amendments to the 1967 Outer Space Treaty.

"30. One delegation reiterated its proposal (contained in CD/939) to amend Article IV of the Outer Space Treaty so as to make its prohibition applicable to any kind of weapons and to contemplate the negotiation of an Additional Protocol for the purpose of prohibiting the development, production, storage and deployment of anti-satellite-weapons systems which are not stationed in outer space. According to that proposal those amendments to the Treaty would be complemented by a second additional protocol to deal with the verification system to ensure faithful compliance with the obligations assumed by the States Parties which may be a mixed system based principally on a multinational or international approach and on a national approach in accordance with the means of verification available to each State Party. The same delegations stressed the need for strengthening the confidence-building measures as well as the legal régime to prevent the arms race in outer space.

"31. One delegation expressed the view that the general objective should aim at establishing one legal régime for outer space as well as the Moon and other celestial bodies. It maintained that this could only be realized through a clear-cut provision declaring that outer space shall be used exclusively for peaceful purposes.

"32. One delegation made a reference to its proposal contained in document CD/851 seeking to amend Article IV of the Outer Space Treaty. That delegation stressed that that proposal has, as its point of departure, the recognition, largely shared by a vast sector of the Conference and reflected in previous reports of the *Ad Hoc* Committee that the Outer Space Treaty has an important juridical vacuum and is inadequate to prevent an arms race in outer space because it does not prohibit the stationing in space of weapons other than nuclear and mass destruction weapons. It maintained that those other weapons not covered by the Outer Space Treaty are described in this proposal and currently they give rise to the deepest concern because they are the subject of research and development, with a view to being incorporated into strategic defence systems.

"33. One delegation suggested that the majority of satellites with military capabilities belonged to two major Powers and they are critical for the stability of the strategic nuclear systems. Both States are negotiating bilaterally to reduce their strategic nuclear arsenals and address outer space issues. In the view of this delegation, one day these nuclear systems and their associated land and space-based concomitant may disappear, but for the moment however they remain pillars of the security of both States and only a deliberate, rational, harmonious policy will retire them without danger. Therefore, it would be impossible to imagine that the Conference on Disarmament could play an active and constructive role in this process at this stage.

"34. One delegation recalled that its Government had introduced radical proposals to prevent the development and deployment of any space weapons at all and specifically anti-satellite weapons. Experience showed, however, that such radical measures could not become the subject of concrete negotiations in the near future. As a result, more and more delegations are opting to begin with confidence-building measures in space. It pointed out that the idea was not to start negotiations just for the sake of negotiations, in order to be able to report that the CD was conducting negotiations on outer space, but rather to take the first steps towards establishing the basis for confidence with respect to States' space activities - to build up experience with constructive multilateral work as regards the outer space dimension of security and stability. However important the bilateral Soviet-American negotiations are, multilateral efforts are vital, because an increasing number of States are becoming involved in space activities. Therefore, the delegation suggested that the concept of 'open outer space' should become a subject of consideration at the Conference on Disarmament. The most important measures related to the realization of the 'open outer space' concept, in the view of this delegation include (a) the strengthening of the 1975 Convention on Registration of Objects Launched into Outer Space; (b) the elaboration of 'rules of the road' or a 'code of conduct'; (c) the use of space-based monitoring devices in the interest of the international community; and (d) the establishment of an international space inspectorate. France's proposal for the establishment of an international centre to process images obtained from space also deserves a positive response. These measures cannot endanger anybody's security. The delegation urged all States to study thoroughly the positive potential embodied in the 'open outer space' concept.

One delegation submitted on behalf of two States an updated version of the document entitled 'Review of initiatives of the States members of the Conference on Disarmament under agenda item 5', prepared on the basis of the official documents and records of the United Nations General Assembly and the Conference on Disarmament, as well as on statements made by the member States (CD/OS/WP.28/Rev.1). The delegation hoped that the review would promote in-depth analysis of the complex political, military, scientific, technical and international legal problems, taking into account the necessity of examining avenues which could lead to future multilateral negotiations in the Conference on Disarmament aimed at the prevention of an arms race in outer space.

"35. Several delegations reiterated that they stood for the banning of all space weapons which naturally includes ASAT weapons. In the view of these delegations in order to facilitate consideration and negotiation of the issue of the prevention of an arms race in outer space, the banning of ASAT weapons, as a first step, has a certain practical significance.

"36. One delegation held that in order to effectively prevent an arms race in outer space it was necessary that the two countries with the largest space capabilities should immediately stop the development, testing, production and deployment of space weapons and destroy all the existing ones, including both anti-ballistic missiles and anti-satellite weapons. They should reach as soon as possible substantive agreement on the prevention of an arms race in outer space through serious negotiations; all space capable States in their activities in outer space should not take any action contrary to the existing relevant conventions and the common goal of preventing an arms race in outer space. Instead they should adopt timely and effective measures for the realization of this common goal. As the sole multilateral forum of disarmament negotiations, the Conference on Disarmament should start as soon as possible negotiations on an international convention on the complete prohibition of space weapons and of the use of force or hostile activities both to and from outer space. International co-operation should be vigorously carried out for the peaceful utilization of outer space, so that mankind can genuinely benefit from this common heritage. Space capable States should make positive contribution to this end.

"37. One delegation stated that its Government has concluded that because of the many problems associated with ASAT arms controls, a ban prohibiting testing and deployment of all specialized ASAT systems would not be in the national security interest of that State. Some of its concerns associated with ASAT systems include verification, definition, break-out potential and disclosure of information. These problems would become even more intractable with a ban on ASAT capabilities, which would require the inclusion of systems that are not specialized ASAT systems but that have inherent ASAT capabilities, these include manoeuvring spacecraft, some direct-ascent ABM interceptors, ICBMs and SLBMs.

"38. An expert from one delegation gave a presentation on the present and future use of commercial space based remote sensing satellite imagery for arms control verification purposes. That presentation concluded that: future satellite verification systems could be operated by a particular State or, alternatively by a multilateral verification régime; present commercial satellite imagery must be supplemented by other sources; and, data acquired by a future verification system could be used for other important tasks such as environmental monitoring.

"39. This same delegation presented another expert contribution, this one on verification and outer space. This presentation concluded that: the large scale expansion of human activity in space in the coming years could lead to activities which appear ambiguous with respect to space weapon development; there is a conceptual approach to defining spacecraft as relatively benign or harmful; and, verification of the relative harmfulness of a space object can be made more effective by supplementing existing treaty restrictions with confidence-building measures.

"40. One delegation pointed out that confidence-building measures, increased transparency, 'rules of the road', etc., that could be of interest for a reinforced régime pertaining to space activities, should be based, inter alia, on multilateral observation and verification arrangements. It would appear that techniques for observation and verification of confidence-building régimes and measures to prevent an arms race in outer space could be similar or identical. The delegation reiterated in this context its proposals to ban so-called dedicated anti-satellite weapons as well as the testing of other weapons devices in an ASAT mode. The delegation shared the opinion expressed on the necessity to strengthen the existing 'declaratory' régime pertaining to space activities through, e.g., a reinforcement of the Registration Convention. But this was not enough. Cross-references to voluntary data exchange were called for. The same delegation introduced an independent expert, who made a presentation on methods in support of an enhancement of security in space. The expert in this context presented various interesting technologies such as, inter alia, microwave radar imaging, which would make it possible to obtain images of satellites from a ground station with a resolution in the order of centimetres. Several other techniques were referred to, such as satellite-borne sensors; on-site inspections; infra-red devices; and the tagging of satellites, etc. An international tracking centre could be established and at its disposal have a tracking centre, as well as a world-wide network of observation stations. The delegation looked forward to continued deliberations on verifications techniques. The Ad Hoc Committee last year and during the 1990 session had advanced its work on these kind of issues, inter alia, through interesting contributions by scientific and technical experts. The contributions of experts should be as systematic and structured as possible. The delegation had, therefore, proposed that an expert group be established to assist the work of the Committee.

"41. Another delegation in the presentation of its expert gave its view on new technologies for effective non-nuclear defences against strategic ballistic missiles. It stated that it would be unwise to discriminate in arms control accords in favour of nuclear defences and against non-nuclear defences. This is why this State seeks in its bilateral negotiations to facilitate the co-operative transition to increasing reliance on such defences. To facilitate this transition and openness, it has proposed the following four ideas in the Defence and Space Talks: first, a side ought not deploy large-scale defences without first engaging in three years of discussions with the other side on specific measures for a co-operative transition. In these discussions the sides could address such questions as the purpose and architectures, and planned pace and scale, of intended deployments, and confidence-building measures; second, the ABM Treaty's permissive rights for testing certain types of advanced, space-based defences should be acknowledged. In this regard this State has provided an assurance to the other side that its testing could not, by virtue of strict limits on the number of ABM test satellites, constitute a prohibited deployment of defences; third, treaty constraints on space-based ABM radars and devices which can substitute for them, which are useful for advanced defences, should be dropped; fourth, the sides should implement now a series of predictability measures that would bring greater openness and thus reduce the risk of future technological surprise.

"42. One delegation stated that the creation and deployment of such ABM systems and the placing of weapons in outer space could lead only to the undermining of strategic stability and a reduction in the level of security, because it would inevitably lead to competition in the field of both strategic defensive arms and strategic offensive weapons - in other words, an arms race on a new and even more dangerous level. This would inevitably also lead to the destruction of fundamental international agreements in the area of arms control. Stability and security in our time could only be reciprocal and were achieved not by the continuation of the arms race but rather through the consistent reduction of strategic offensive weapons together with strict limitations on strategic defensive systems, a ban on the placing of arms in outer space and the expansion of confidence-building and predictability measures.

"43. Various delegations were of the view that consideration should be given to the questions of the protection of satellites. Some delegations considered that attempts to establish a protection régime based on a categorization of satellites would give rise to many difficulties and advocated the granting of immunity to all space objects without exception, with the understanding that space weapons would be subject to an unconditional ban. Other delegations were of the view that certain distinctions should be made for the purpose of immunizing satellites and various possibilities were mentioned in terms of their functions, purposes and orbit. In this connection, some delegations held that a protection régime called for improvements in the system of registration of space objects to permit the identification of the nature and missions of protected space objects. Some delegations stressed in particular that immunity should not be extended to satellites that perform military missions.

"44. One delegation, in an expert presentation, described the legal régime for outer space as general, precarious and unevenly ratified. It considered that any provisions limiting or prohibiting weapons or activities were only exceptions to the possible use of outer space on the basis of self-defence and that the principle of peaceful use only excluded aggressive uses of space. To improve the peaceful uses of outer space, it deemed particularly important to utilize the verification potential offered by outer space and to strengthen the security of space activities. In this respect, it recalled its proposal for an Agency for the Processing of Space Images (APSI) put forward in 1988. Since it considered that the diversity of ASAT systems made it practically impossible to design a single comprehensive prohibition régime, that delegation reaffirmed that it was necessary to codify the principle of non-interference with non-offensive space activities and to elaborate a space code of conduct, based on a reinforced registration régime.

"45. Some measures relating to the security of satellites were mentioned by some delegations, such as multilateralizing the immunity provided for in certain bilateral agreements to satellites that served as national technical means of verification, a 'rules-of-the-road' agreement, the reaffirmation and further elaboration of the principle of non-interference with peaceful space activities and the elaboration of a code of conduct in outer space to prevent the risks and fears that could arise from certain manoeuvres of space objects.

"46. In the view of a number of delegations, it was imperative to create a coherent set of confidence-building measures in relation to activities in outer space and this could be achieved by initiating a process of data exchange. Stressing the non-compulsory character of possible measures, one delegation subjected to detailed analysis several articles of the Outer Space Treaty and Registration Convention, which contained 'points of contact' or 'starting points' capable of serving as a framework for this set of measures.

"47. One delegation reiterated its conviction that its concept of a 'rules-of-the-road' agreement would be a useful contribution to a protection régime in outer space, to the creation of a solid future space order and to the prevention of an arms race in outer space. In its view, the main components of such an agreement would comprise inter alia: restrictions on very low altitude overflight by manned and unmanned spacecraft; new stringent requirements for advanced notice of launch activities; specific rules for agreed and possible defended 'keep-out zones'; grant or restrictions of the right of inspection; limitation on high-velocity fly-bys or trailing for foreign satellites; established means by which to obtain timely information and consultations concerning ambiguous or threatening activities. Detailed views in this regard alluding more closely to the possibilities of correlating experts' proposals on a multilateral protection régime for outer space of the precedent session were again provided in an experts' presentation of this delegation entitled 'On Correlating Measures of Confidence- and Security-Building in a Multilateral Protection Régime for Outer Space'.

"48. Another delegation declared that it continued to study the variety of options for arms control in outer space and it has concluded that elaborating and discussing rule-of-the-road for satellites in the multilateral context, would directly interfere with ongoing bilateral talks on outer space issues between two major Powers. The delegation stressed that its Government cannot now engage in multilateral discussions or negotiations of rules-of-the-road. As for the concept of keep-out zones, in its view it was beset by many difficulties and inconsistencies. This State considered that the current legal régime renders these zones superfluous. Specifically, verification, in its view, would be difficult, and keep-out zones also have the potential of interfering with national technical means of verification. Depending on how defiant, these zones could violate Article II of the Outer Space Treaty.

"49. Many delegations focussed on the importance of transparency in the activities of States and of accurate information on how outer space was being used. The view was expressed by some delegations that there was a need for expert examination of the parameters on which information should be provided and it was suggested that a group of experts be set up for that purpose. Some delegations believed that strengthening of the Registration Convention would be a valuable confidence-building measure, and they discussed various ways and means of improving the system of notification established thereunder with a view to assuring the availability of timely and adequate information on the nature and purposes of space activities.

"50. One delegation recognized the utility of elaboration of a kind of data base on the launching of satellites and the collection and classification of technical data. It considered that for this purpose it would be a good start to establish a scientific centre whose work could be shared among scientists in different parts of the world. In its view the more information and more experience and more opportunity for comparisons, the more could be built to contribute to deeper and more widespread co-operation, putting into practice the idea that space is a value common to all mankind.

"51. One delegation made an expert presentation, emphasizing the role of notification on space activities as a confidence- and security-building measure. This delegation noted that the implementation of the principle of legal immunity of satellites and non-interference with space activities of other States derived its verifiability from sufficiently precise information on the behaviour of space objects. The delegation stated further that the Convention on Registration of Objects Launched into Outer Space was insufficient in so far as it did not provide adequate data. In order to acquire the data, the delegation proposed a phased extension of information requirements, comprising pre-launch information, announcement of parameters immediately after launch and updates as required during the whole time of the existence of an object in outer space. Manoeuvres of space objects should be announced in advance. This delegation was of the opinion that acquisition of data on orbital parameters and mission activities could best be performed by an International Processing and Information Centre. It was suggested that the Committee should contribute to a comprehensive space management system with its core - a legal protection régime for space objects. This régime would require internationally binding provisions for the conduct of space activities and a reliable verification procedure. A structured debate on these subjects could include: (a) Notification - (b) Code of conduct/Rules-of-the-Road - (c) Inspection in order to facilitate this work, the assistance of experts could be sought.

"52. Many delegations referred to the questions concerning the functioning of the Registration Convention and pointed out that this Convention, as mentioned in its preamble, has to be seen in the context of developing international law governing the exploration and use of outer space and therefore had direct relevance to the work of the Ad Hoc Committee. One delegation of the Group of 21 referred in detail to its proposal on the strengthening of the régime established by the Convention on the Registration of Objects Launched into Outer Space (CD/1015-CD/OS/WP.42). It affirmed that in spite of the fact that the Convention cannot be described per se as a disarmament or arms limitation agreement, it provides specific information about the nature and functions of objects launched into space, thus constituting an indispensable database for any subsequent development designed to generate confidence in the uses of outer space. That delegation pointed out that the concrete results of the implementation of the Convention fall far short of the most modest hopes, as the flow of information generated by the application of the Treaty has proved to be scanty, incomplete and tardy. However, the delegation concerned considered that the potential of the instrument continues to be vast. In specific terms it indicated that the changes in the régime should apply on two levels, one being the scope of the information to be provided and the other the timeliness. Additional parameters and information should be added to the items already present in Article IV of the Convention and to that effect a duly mandated Expert Group under the auspices of the Ad Hoc Committee should be entrusted with the responsibility to devise those criteria. Finally, the delegation responsible for this proposal stressed that a more precise register would be necessary for the subsequent formulation of régimes to protect satellites or schemes like the ones referred to as 'Rules of the Road' and others. Such a reformulated Registration Convention, in the view of that delegation, would certainly better adapt the instrument to its original objectives, while making it an important confidence-building and transparency measure related to space activities.

"53. Another delegation pointed out that its Government did not favour proposals that blur the role of the Registration Convention, that confuse issues relevant to space co-operation with those relevant to space disarmament. It held that the Convention's primary purpose was to provide a central registry to facilitate determining liability and the Convention was not an arms control measure. It also strongly disagreed with the view that the 1975 Registration Convention needs amending. It functions well and should not be expected to take on burdens for which it was not designed. If changes were advisable, it would be most inappropriate to discuss them with non-parties of the Convention. That State judges that the Conference on Disarmament is not the competent body to discuss amendments and that this task falls properly within the mandate of the Committee on the peaceful uses of outer space. In particular, the Convention has provisions for amending, which

States parties can implement at any time, and a problem with the Registration Convention has been in its implementation rather than in its provisions, as only about 35 States have ratified the Convention. The delegation made an appeal that all States with outer space programmes should become parties. Some States failed to register their space objects or waited several years before doing so. The delegation stressed that some of the very countries pressing for changes to the Registration Convention have either been negligent in their reporting or are not parties to the Convention and widespread adherence to the Convention is far more likely to strengthen it than piecemeal attempts to redefine its terms. The delegation did not see any need for additional reporting requirements or voluntary enhancement of the 1975 Registration Convention as Article IV of that Convention makes adequate provision for additional voluntary reporting and it is not at all clear that additional reporting would serve as measures to build confidence. It also noted that the issue of debris in space belongs elsewhere than in the Conference on Disarmament.

"54. Referring to its proposal concerning declaration that weapons have not been deployed in outer space on a permanent basis, one delegation explained that the initiative, which was aimed at generating a climate of confidence in the field of the prevention of an arms race in outer space, continues to be a valid initiative as experts and analysts concur in the conclusion that for the time being no weapons have been deployed in the space environment. The delegation, underscoring the political nature of such unilateral declarations, recalled that they have been recently agreed in the bilateral negotiations between the two major military Powers, to deal with very specific issue areas in which the complex nature of the elements to be verified make necessary the resort to manifestations of a political commitment in order to make progress.

"55. Some delegations recognized the importance of verification in the context of measures to prevent an arms race in outer space and considered that it should be possible to assure verification of compliance with agreements through a combination of national technical means and international procedures. Other delegations noted that the Outer Space Treaty contained some verification provisions. A number of delegations were of the view that verification functions should be entrusted to an international body to provide the international community with an independent capability to verify compliance. Reference was made to the proposed international satellite monitoring agency and to international co-operation for the use of Earth monitoring satellites for the verification of arms limitation and disarmament agreements.

"56. One delegation, in an expert presentation, analysed the different existing and possible ASAT systems. It noted that the efficiency of such systems depended on the speed of their operation, on their discretion, on their collateral effects and on the replacement capacity of the targets. It drew attention to the relationship between ASAT and ABM systems. It described possible ASAT techniques (fragmentation, kinetic or directed energy weapons) as well as the constraints which some of them would face (disturbances, need for accuracy, targeting, checking of results ...) It also envisaged possible passive and active counter-measures to ASAT systems. It stressed the difficulties in verifying a possible ban on ASAT weapons as well as in defining the scope of such a prohibition. It concluded that some technical financial or strategic constraints could dissuade ASAT deployments more than legal norms; co-operative measures such as a space code of conduct could however favour the conclusion of agreements in this field. In another expert presentation, the same delegation recalled its proposal for an International Trajectography Centre, designed as a management instrument for a confidence-building and transparency régime, which would collect data on space objects provided by their users and calculate trajectories in order to warn users in case of potential incidents. This could serve as elements in evidence of good faith if incidents occurred. To illustrate both the prospects offered by such a project and the constraints which it would face, that delegation analysed the techniques for determining and extrapolating satellite orbits; it described the natural and other disturbances which need to be taken into account. It concluded that each type of space mission had specific needs in orbitography, and that international co-operation in this field would strengthen the security of space activities.

"57. Many delegations welcomed the presence of an increased number of legal, scientific and technical experts introduced by delegations from all Groups and noted with satisfaction the contribution they made in increasing the understanding of a number of problems and of respective positions. Several delegations considered that such presentations contained ideas and proposals for methods that could be of some use for the various confidence-building measures or measures to prevent an arms race in outer space put forward in the Committee. In this context, many delegations continued to support the establishment of a group of governmental experts to provide technical expertise and guidance in the consideration of issues before the Ad Hoc Committee.

"58. One delegation stated that each member of the Conference on Disarmament has the right to use experts to make presentations to appropriate bodies of the CD. Despite the educational value of the presentations made this year the delegation cannot envisage that CD members would be able to agree upon a group of experts that would be thoroughly objective as political elements would invariably skew expert deliberations. This State concludes that the Conference is not the proper parent for such offspring.

"59. One delegation stressed the importance of co-operative measures in the use of outer space. In the view of this delegation substantial possibilities of co-operation also exist in the military field. It recalled the idea of international monitoring agencies or independent satellite observation systems advanced by a number of Governments. It considered that the competence of such a system or agency could cover the monitoring of arms control arrangements, collecting information and data on sensitive areas as well as supporting United Nations peace-keeping efforts. In the view of that delegation it would be of the utmost importance if the two most-advanced outer space Powers, in co-operation with others who expressed their interest, could inform this Conference or the United Nations that they offer the use of their outer space systems, or some part of them, to the United Nations. It held that this could become a key in a new approach to the prevention of an arms race in outer space. That delegation thought that this arms race could be prevented not only by bans and prohibitions but also by international co-operation, taking into account the security interests of all States. At the same time it noted that such observation and monitoring arrangements, internationally created and managed, could complement and strengthen the structure of the United Nations collective security system, making its activity more efficient.

"60. Some other delegations were of the view that it was necessary to continue the examination of issues relevant to the prevention of an arms race in outer space that had not been sufficiently explored. They believed that much more detailed examination had to be done before it would be possible to undertake further activities. They considered that given the divergence of views on substantive and political issues, the broad scope of individual topics and the highly technical nature of the subject, the Committee had carried out work which contributed to a better understanding of the subject, but that much remained to be accomplished within the terms of the current mandate and programme of work. They also noted that much of the discussions held on proposals clearly showed the persistence of radically different approaches to the issues and that consensus did not exist on them. Consequently, the Committee needed to continue to study all the subjects covered by the mandate in order to establish a common body of knowledge and understanding, and common definitions of the scope and specific objectives of multilateral efforts for the prevention of an arms race in outer space.

"61. Many delegations, while recognizing the importance of substantive consideration of relevant issues, emphasized that such consideration should be an integral part of the multilateral process of elaborating concrete measures aimed at the prevention of an arms race in outer space and that it could be done in the context of considering specific proposals. They reaffirmed that the objectives of multilateral efforts in this field are clearly set out in the Final Document of the first special session of the General Assembly devoted to disarmament. They also recalled the relevant resolutions adopted by the General Assembly. In this context, these delegations stressed the indispensable role of the Conference on Disarmament as the single multilateral negotiating body on disarmament and the inscription of item 5 on its agenda.

"62. The Group of 21 stressed that the need to undertake negotiations on concrete measures on an urgent basis had become evident. It suggested ways to improve the work of the Ad Hoc Committee in the examination of existing proposals in order to make it more effective. In this respect, the same Group proposed dealing with those proposals that lend themselves to a more structured analysis by the establishment of sub-groups. The same Group stated that there appeared to be a general recognition that the Committee could usefully consider confidence-building measures and database improvements relevant to its mandate in consonance with evident complementarities of bilateral and multilateral efforts in this area. Given the improved international atmosphere the Group also underlined the continued general recognition in the *Ad Hoc* Committee for over five years of the importance and urgency of preventing an arms race in outer space and its readiness to contribute to that common objective. This Group felt that opportunities existed for such a constructive course of action to facilitate progress towards achieving the objectives of the Committee's mandate.

"IV. CONCLUSIONS

"63. There continued to be general recognition in the *Ad Hoc* Committee of the importance and urgency of preventing an arms race in outer space and readiness to contribute to that common objective. The work of the Committee since its establishment in 1985 has contributed to the accomplishment of this task. The Committee held a wide ranging exchange of views and heard a number of expert presentations which contributed to identifying and clarifying a number of issues and to a clearer perception of the various positions. The Committee, while aiming at identifying areas of convergence suitable for further structured work, advanced and further developed the examination and identification of various issues relevant to the prevention of an arms race in outer space. It was recognized once more that the legal régime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space. There was again recognition of the significant role that the legal régime applicable to outer space plays in the prevention of an arms race in that environment and of the need to consolidate and reinforce that régime and enhance its effectiveness and of the importance of strict compliance with existing agreements, both bilateral and multilateral. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America and it was stressed that bilateral and multilateral efforts were complementary. In the course of the deliberations, the common interest of mankind in the exploration and use of outer space for peaceful purposes was acknowledged. In this context, there was also recognition of the importance of paragraph 80 of the Final Document of the first special session devoted to disarmament, which states that 'in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies'. The *Ad Hoc* Committee continued its examination of existing proposals and gave a preliminary consideration to a number of new proposals and initiatives aimed at preventing an arms race in outer space and ensuring that its exploration and use will be carried out exclusively for peaceful purposes in the common interest and for the benefit of all mankind.

"64. In the context of their contribution to the discussions on all aspects of the mandate and work programme, the importance of the presentations in the Committee relating to confidence-building measures and to greater transparency and openness in space made in the course of the 1990 session was recognized by the Committee. Although cognizant of the various positions on these matters the Committee also recognized the relevance of that discussion to the work of the Committee. The Committee also noted the valuable and significant contribution to this discussion of the experts from many delegations and expressed its appreciation to those delegations that provided those contributions.

"65. It was agreed that substantive work on this agenda item should continue at the next session of the Conference. It was recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space with an adequate mandate at the beginning of the 1991 session, taking into account all relevant factors, including the work of the Committee since 1985."

F. Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons

119. The item on the agenda entitled "Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 2-6 April and 30 July-3 August 1990.

120. The list of documents presented to the Conference during its 1990 session under the agenda item, is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

121. At its 574th plenary meeting on 16 August 1990, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 532nd plenary meeting (see paragraph 9 above). That report (CD/1028) is an integral part of this report and reads as follows:

"I. Introduction

"1. At its 532nd plenary meeting on 6 February 1990 the Conference on Disarmament decided to re-establish for the duration of its 1990 session, an ad hoc committee to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the 1990 session (CD/964).

"II. Organization of work and documents

"2. At its 532nd plenary meeting on 6 February 1990, the Conference on Disarmament appointed Ambassador Andrea Negrotto Cambiaso of Italy as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held 5 formal and informal meetings between 13 March and 2 August 1990.

"4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1990 session: Austria, Bangladesh, Democratic People's Republic of Korea, Finland, Greece, Iraq, Malaysia, New Zealand, Norway, Oman, Portugal, Republic of Korea, Spain, Switzerland, Syrian Arab Republic, Tunisia, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

"5. The following new document was submitted to the Conference in connection with the item during the 1990 session: CD/967 dated 14 February 1990 submitted by Nigeria entitled 'The Text of a proposed agreement on the Prohibition of the Use or Threat of Use of Nuclear Weapons against Non-nuclear States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons'.

"III. Substantive Work

"6. Immediately after the re-establishment of the Ad Hoc Committee and his appointment and between the formal meetings, the Chairman carried out numerous informal consultations with the delegations and group co-ordinators. He attempted to find a possible constructive idea for the solution of the issue of negative security assurances, which has eluded the Conference for 11 years.

"7. It proved difficult at this stage to identify common ground likely to lead to the desired solution. However there emerged a general belief that current political developments could favour the creation of a context more conducive to progress in the work of the Ad Hoc Committee.

"8. In the general exchange of views it was pointed out by the Group of 21 that the question of negative security assurances had been raised and pursued by most non-nuclear-weapon States in various forms and at different international gatherings since the mid-1960s. The subject has been under negotiation in the Conference on Disarmament since the late 1970s but its initial promise has petered out and it has been stagnating for the last few years. The Group reiterated its belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. It considered that since nuclear weapons are weapons of mass destruction, the non-nuclear-weapon States should be given unconditional and legally binding assurances on a non-discriminatory basis against the use or threat of use of nuclear weapons. In its view, the non-nuclear-weapon States have voluntarily renounced the nuclear option in the expectation that the States possessing nuclear weapons would follow suit. This has not happened and neither have they received comprehensive legally binding assurances from the nuclear-weapon States against the use or threat of use of such weapons. It was therefore necessary that the concerned nuclear-weapon States should respond in a positive manner to the repeated calls of the non-nuclear-weapon States for negative security assurances which were necessary for achieving a universal non-proliferation régime in all its aspects.

"9. The Group of 21 felt that there was agreement amongst the nigh totality of the Member States of the United Nations States to the idea of an international convention to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. This has been borne out by what had been embodied in successive resolutions of the United Nations General Assembly. The Group expressed an opinion that these resolutions reaffirmed the urgent need to reach an agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; appealed to all States, especially the nuclear-weapon States, to demonstrate the political will to reach an agreement on a common formula that could be included in an international instrument of a legally binding character and recommended that the CD should actively continue negotiations on this subject, including the consideration of any other proposals designed to secure the objective before it.

"10. The same Group was of the view that these resolutions should form the starting point of the Committee's negotiations and that the general consensus on the common formula approach should not be undermined and efforts should be made to resume the search for an agreeable solution from that point.

"11. The same Group felt there was a general agreement that in order to get the process moving, a review of positions was required not by the Group of 21 nuclear weapon have-nots but by nuclear-weapon States who should realize the necessity of responding positively to the legitimate concerns of the non-nuclear-weapon States. This necessity has been brought into sharper focus in the context of the statement by the two major nuclear-weapon States that 'nuclear war cannot be won and must never be fought' and of the recent evolutions of doctrines relating to nuclear weapons.

"12. The Group of 21 expected some forward movement in this area of vital interest to them in accordance with the recommendations of the United Nations General Assembly resolutions, particularly at a time when so many positive developments are visible in other areas of disarmament.

"13. One State which does not possess nuclear weapons expressed its dismay at the lack of progress in the work of the Ad Hoc Committee given the widely recognized existence of an improved international atmosphere. This delegation stated that the international setting against which the unilateral assurances had been made several years ago were diametrically opposed to the present climate of co-operation. In this regard it made reference to recent pronouncements by both military alliances that indicate that there exists, at that level, the willingness to no longer consider the counterpart as an enemy, in spite of the continuing existence of nuclear arsenals on each side. In view of this, according to the delegation of this State, the elaboration and conclusion of unqualified assurances for the benefit of those States who do not possess nuclear weapons should be the natural corollary of the above-mentioned climate of co-operation and easing of tensions at the international level.

"14. A number of delegations, including the delegation of a State possessing nuclear weapons, confirmed their conviction that nuclear disarmament and the complete elimination of nuclear weapons represent the most effective and promising guarantee against the use or threat of use of nuclear weapons. They underlined that States not possessing nuclear weapons and not having them on their territory, are fully entitled to reliable international legal guarantees for their security, i.e., guarantees that nuclear weapons will not be used against them and they referred to the unilateral statements of two States possessing nuclear weapons - that they would not be the first to use nuclear weapons. Expressing readiness to participate actively, together with the other participants in the negotiations, in the search for solutions based on a common formula and agreeing with the approach of the delegations that give their preference to a multilateral international document of a binding character as compared to unilateral statements, these delegations expressed the view that it was necessary to consider similar or intermediate measures that would contribute to the creation of sound, clear-cut and genuine guarantees for the non-nuclear-weapon States based on a balance of interests of all States concerned. Such intermediate measures, according to them, could include, for instance, the prohibition of the use of nuclear weapons against all States - including those that have no such weapons; the creation of nuclear-weapon-free zones as an effective means of ensuring the necessary prerequisites for nuclear-weapon States to assume obligations not to use nuclear weapons against States belonging to such zones. The same delegations expressed the hope that all States possessing nuclear weapons, as well as other States, will show the necessary flexibility and will find a mutually-acceptable solution to the problem of guaranteeing the non-nuclear-weapon States against the use or threat of use of nuclear weapons.

"15. A number of delegations, including three nuclear-weapon States, recalled their comprehensive views set forth previously in the Ad Hoc Committee. They welcomed the high level of interest of the international community in the question of assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons and in this context noted the continued willingness of all to search for further improvements to the existing situation. They noted, however, that negative security assurances touch upon the fundamental security of all States and that, consequently, decisions in this area cannot be taken lightly. Given the wide range of security concerns faced by States and the variety of measures available to confront them, the search for a single solution has eluded the Committee so far. Nonetheless, these delegations pointed out their readiness to continue that search although they did not accept the premise that without a single common formula nothing had been achieved. In this regard, they recalled that all five nuclear-weapon States had given solemn assurances about the non-use of nuclear weapons against non-nuclear-weapon States. They observed that most non-nuclear-weapon States, in practice, should find themselves covered by all five negative security assurances, even though the different concerns of the nuclear-weapon States had obliged them to word their assurances differently, and to vary the qualifications they had applied. While some of those delegations expressed particular sympathy for the view of Members of the Committee who are parties to the Treaty on the Non-Proliferation of Nuclear Weapons that their own renunciation of nuclear weapons called for a response in an equally binding form, they pointed out that one of the difficulties in coming to a single common formula for negative security assurances is that the same assurances would be offered to all States, including those who refused to give a binding form to their non-proliferation undertakings. These States reiterated that the existing assurances, whilst not enshrined in a treaty or convention, nevertheless were solemnly given and are not to be considered as having no weight; they stand as firm, credible and reliable commitments. One of those three nuclear-weapon States at a plenary meeting reiterated its oft publicly stated commitment not to use nuclear weapons against any non-nuclear-weapon State, party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on this State, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack.

"16. Another of those nuclear-weapon States recalled that its unilateral declaration of negative security assurance was based on the principles of its constant defence policy and of the Charter of the United Nations. It considered that a legally-binding commitment in an international instrument should be mutual, derive from the principle of non-use of force except for self-defence and take account of the real military situations of States.

"17. One nuclear-weapon State considered it entirely reasonable and legitimate for the non-nuclear-weapon States, who were committed not to possess nuclear weapons in various ways, to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them. It also expressed its hope to expedite the search for a common formula which would meet the needs of security of the non-nuclear-weapon States in this regard, and its support of the conclusion of an international convention which could genuinely prevent the use or threat of use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It stated that it would welcome any constructive initiative agreeable to non-nuclear-weapon States. This same State was of the view that the most effective security guarantee for non-nuclear-weapon States against the use or threat of use of nuclear weapons was the complete prohibition and total elimination of nuclear weapons. Pending the achievement of this goal, this State believed that all nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones under any circumstances. The same State reiterated its commitment that at no time and under no circumstances would it be the first to use nuclear weapons and that it would not use or threaten to use nuclear weapons against non-nuclear-weapon States.

"18. Discussions on the conclusions that could be drawn from the work of the Committee this session of the possibilities of reaching agreement on a common formula to guarantee non-nuclear-weapon States against the use or threat of use of nuclear weapons had again proven inconclusive. Some delegations underlined the importance of making progress on these issues, in the light of the forthcoming Fourth Review Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

"IV. Conclusions and recommendations

"19. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of a solution, together with the series of informal consultations by the Chairman revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a 'common formula'. In the course of the year many positive political changes were underway which were expected to have a bearing on the search for possible solutions. At the same time, the discussion underlined that all delegations supported and reaffirmed their readiness to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a 'common formula'.

"20. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be pursued in the light of the on-going and future developments to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1991 session."

G. New Types of Weapons of Mass Destruction and New Systems of Such Weapons; Radiological Weapons

122. The item on the agenda entitled "New Types of Weapons of Mass Destruction and New Systems of Such Weapons; Radiological Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 2-6 April and 30 July-3 August 1990.

123. The list of documents presented to the Conference during its 1990 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

124. At its 574th plenary meeting on 16 August 1990, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 532nd plenary meeting (see paragraph 9 above). That report (CD/1027) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. In accordance with the decision taken by the Conference on Disarmament at its 532nd plenary meeting held on 6 February 1990, as contained in document CD/965, the Ad Hoc Committee on Radiological Weapons was re-established, for the duration of the 1990 session, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad Hoc Committee would report to it on the progress of its work before the conclusion of its 1990 session.

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At that same plenary meeting on 6 February 1990, the Conference on Disarmament appointed Ambassador Istvan Varga of Hungary as Chairman of the Ad Hoc Committee. Mr. Michael Cassandra of the United Nations Department for Disarmament Affairs served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held four meetings from 1 March to 3 August 1990. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following 21 States not members of the Conference on Disarmament were invited to participate in the work of the Ad Hoc Committee: Austria, Denmark, Finland, Greece, Iraq, Israel, Kuwait, Malaysia, New Zealand, Norway, Portugal, Qatar, Senegal, Spain, Syria, Switzerland, Turkey, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

"5. In addition to various resolutions adopted by the General Assembly on the subject at its previous sessions, the Ad Hoc Committee had before it resolutions 44/116A, R and T adopted by the General Assembly at its forty-fourth session entrusting specific responsibilities to the Conference on Disarmament on this subject.

"6. The following working papers were presented to the Ad Hoc Committee:

CD/RW/WP.87/Rev.2 dated 19 March 1990 entitled 'Programme of Work for the first part of the 1990 session'

CD/RW/WP.88/Rev.1 dated 18 June 1990 entitled 'Programme of work for the second part of the 1990 session'

CD/RW/WP.89 dated 31 July 1990 entitled 'Report of Contact Group A'

CD/RW/WP.90 dated 31 July 1990 entitled 'Report of Contact Group B'

"III. WORK DURING THE 1990 SESSION

"7. At its 1st meeting on 1 March 1990, the Chairman suggested that the Ad Hoc Committee continue the same method of work adopted during the 1987, 1988 and 1989 sessions: that is, that Contact Group A continue to consider the prohibition of radiological weapons in the 'traditional' sense and that Contact Group B continue to consider issues relevant to the prohibition of attacks against nuclear facilities. */ He also recommended that the work of the two groups should be pursued along the lines recommended in the 1989 report of the Ad Hoc Committee (CD/946), that is, to draw upon the two annexes contained in that report as a basis for its work. The Chairman suggested that the main objective of the work in 1990 be to seek solutions for outstanding key issues in both tracks. To that end, he pointed most importantly to the need for a resolution of the issues related to scope in both tracks as well as to the need for refinement of the provisions dealing with verification and compliance. He suggested that both Contact Groups record the results of their work in an up-dated version of their respective texts annexed to last year's Ad Hoc Committee report. The Ad Hoc Committee decided to follow the recommendations of the Chairman as regards its method of work.

"8. At the same meeting, the Ad Hoc Committee appointed Mr. Helmut Herzbruch of the Federal Republic of Germany to co-ordinate the work of Contact Group A and Mr. Hassan G. Mashhadi of the Islamic Republic of Iran to co-ordinate the work of Contact Group B.

"9. The work of the Ad Hoc Committee was carried out in the Contact Groups as established above, except for the consideration and adoption of this report. On the basis of the work conducted within the Contact Groups, the two Co-ordinators presented to the Ad Hoc Committee, at its 4th meeting on 3 August 1990, their respective reports (CD/RW/WP.89 and 90), which are reproduced in Annexes I and II to this report, reflecting the current state of consideration of the issues before the Ad Hoc Committee. It is understood that the contents of the Annexes are not binding on any delegation.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"10. The work conducted by the Ad Hoc Committee during its 1990 session was useful in contributing further to the clarification of different approaches which continue to exist with regard to both the important subjects under consideration. It is recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on Radiological Weapons at the beginning of its 1991 session and that the Ad Hoc Committee draw upon the Annexes to this report as a basis for its future work.

"*/ One delegation did not take part in the work on the prohibition of attacks against nuclear facilities.

"ANNEX I

"*Report of Contact Group A*

"1. In accordance with the decision taken by the *Ad Hoc* Committee on Radiological Weapons at its first meeting, on 1 March 1990, Contact Group A was re-established to continue consideration of the issues relevant to the prohibition of radiological weapons.

"2. Contact Group A held eight meetings from 8 March to 30 July 1990. In addition, the Co-ordinator held a number of informal consultations with delegations.

"3. According to the guidelines set out during the first meeting of the *Ad Hoc* Committee, Contact Group A used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the *Ad Hoc* Committee to the Conference on Disarmament in 1989 (CD/946, Annex I, Attachment). In addition, several informal working papers were put forward by delegations and by the Chair. The Contact Group reviewed the possible elements for a convention on the prohibition of radiological weapons. In the course of that review, numerous proposals were made to develop these elements.

"4. As a result, the Contact Group was able to eliminate most footnotes as well as to merge different alternatives into common language for those elements dealing with scope and peaceful uses; new provisions were introduced for other main elements. Further, a preambular section and a new element on verification and compliance were developed and added. Nevertheless, footnotes and brackets in the Co-ordinator's record indicate that not all problems could be solved during the 1990 negotiating period.

"5. The Co-ordinator's record, entitled 'Draft Articles for a Convention on the Prohibition of Radiological Weapons', is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

"6. The Co-ordinator's record is not binding upon any delegation and does not preclude any delegation from introducing proposals to the text as a whole or the elements thereof at a later stage. It is recommended that it be appended to the *Ad Hoc* Committee's report to the Conference on Disarmament, as a basis for future work.

"*Attachment*

"DRAFT ARTICLES FOR A CONVENTION ON THE PROHIBITION OF RADIOLOGICAL WEAPONS

"PREAMBLE

"*The States Parties to this Convention*, hereinafter referred to as the 'Parties to the Convention',

"*desiring* to contribute to the realization of the purposes and principles of the Charter of the United Nations,

"*determined* to act with a view to achieving progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction as well as the development of new types of such weapons as radiological weapons,

......

"*bearing in mind* that the prohibition of radiological weapons is a step in the process towards general and complete disarmament,

"*further bearing in mind* longlasting effects of radioactive contamination on living creatures as well as on the environment,

"*Have agreed* as follows:

"I. SCOPE

"*Paragraph 1*

"Each Party to the Convention undertakes to prohibit radiological weapons and hence never under any circumstances

"(a) to disseminate deliberately any radioactive material, including radioactive waste, for the purpose of causing injury, death, damage or destruction by means of the radiation produced directly or indirectly by the decay of such material,

"(b) to develop, produce, stockpile, otherwise acquire, possess or transfer any device specifically designed for the dissemination of radioactive material prohibited under (a) of this paragraph.

"*Paragraph 2*

"Each Party to the Convention undertakes to take any measures it considers necessary in accordance with its constitutional procedures and its international obligations anywhere under its jurisdiction or control to "(a) prohibit and prevent any activity which would constitute a violation of the obligations undertaken by the Parties to the Convention,

"(b) prohibit the diversion and prevent the loss of radioactive material which could be used for purposes prohibited by this Convention.

"*Paragraph 3*

"Each Party to the Convention undertakes not to assist, encourage or induce anyone to engage in activities prohibited by the provisions of the Convention.

"[II. DEFINITIONS

"For the purposes of this Convention the term 'radiological weapon' means:

"(i) any device specifically designed for the dissemination of radioactive material to cause [as its primary effect] injury, death, damage or destruction by means of the decay of such material,

"(ii) any radioactive material specifically designed and prepared for employment, by its dissemination, to cause injury, death, damage or destruction by the decay of such material,

"(iii) any other radioactive material if used for employment by its dissemination to cause injury, death, damage or destruction by the decay of such material.]

"III. PEACEFUL USES

"*Paragraph 1*

"Nothing in this Convention should be interpreted as affecting in any way

"(a) the full exercise of the inalienable rights of all Parties to the Convention, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and all peaceful applications of their nuclear programmes for economic and social development in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons in all its forms. International co-operation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis,

"(b) the undertakings of Parties to the Convention to contribute to the fullest possible extent to international co-operation and assistance to ensure the development and effective implementation of adequate measures of protection for all States against the harmful effects of radiation.

"*Paragraph 2*

"Nothing in this Convention shall be interpreted as requiring or permitting a Party to the Convention to take measures which could affect the programmes of other States for peaceful uses of nuclear energy or technology for their economic or social development.

"IV. OTHER MAIN ELEMENTS

"*Paragraph 1*

"The provisions of this Convention shall not apply to nuclear explosive devices or to radioactive material produced by them. 1/

"*Paragraph 2*

"Nothing in this Convention shall be interpreted as in any way legitimizing the development and the use of nuclear weapons or detracting from the obligations of States to refrain from the use or threat of use of such weapons. 1/ 2/

"*Paragraph 3*

"Parties to the Convention undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons and the achievement of nuclear disarmanent. 2/ 3/

"*Paragraph 4*

"Nothing in this Convention shall be interpreted as in any way limiting or detracting from rules of international law, including

"(a) the Charter of the United Nations,

"(b) law applicable to armed conflicts,

"(c) obligations assumed by Parties to the Convention under other international agreements.

"1/ Objections were raised against the need for this paragraph.

"2/ A view was expressed that this subject might be better dealt with in the preambular part.

"3/ Some delegations were of the view that such an undertaking was outside the purview of this Convention.

"Paragraph 5

"The implementation of the obligations under this Convention shall be periodically reviewed as provided for in ...

"Paragraph 6 1/

"Each Party to the Convention in a position to do so [undertakes to] [may] provide or support technical and humanitarian assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Convention which so requests, as a result of a violation of the Convention or the use of radiological weapons by States not being Parties to the Convention,

"[(a) if the [Security Council] [Depositary] decides that such Party has been harmed or is likely to be harmed or

"(b) on the basis of independent bilateral or multilateral agreements.]

"Paragraph 7

"The Secretary-General of the United Nations shall be the Depositary of this Convention.

"V. VERIFICATION AND COMPLIANCE

"Paragraph 1

"Parties to the Convention shall exchange to the fullest possible extent, bilaterally or multilaterally, information necessary to provide assurance of fulfilment of their obligations under the Convention.

"Paragraph 2

"Parties to the Convention undertake to consult one another and to co-operate in solving any problems which may be raised in relation to the objectives of, or in the application of, the provisions of the Convention.

"Consultation and co-operation pursuant to this paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Committee of Experts. For these purposes the Depositary shall, within one month of the receipt of a request from any State Party to the Convention, convene a Committee of Experts.

"1/ Views were expressed that the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency should be further considered in this context.

"Paragraph 3

"Each Party to the Convention which has reasons to believe that any other Party to the Convention is acting in breach of the obligations deriving from the provisions of the Convention may lodge a complaint with the Depositary. Such a complaint shall include all relevant information as well as all possible evidence supporting its validity. In order to evaluate such information, the Depositary may convene the Committee of Experts.

"The Depositary, assisted by the Committee of Experts, shall [to the extent possible] conduct an investigation of the alleged facts, whenever the evaluation of the information provided to him indicates that such an investigation is warranted.

"The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all Parties to the Convention and shall indicate his own conclusions and suggestions for possible action [including that of bringing the matter to the attention of the Security Council.] In case of urgency, the Depositary may request the Committee to submit its report within 10 days.

"Paragraph 4

"Each Party to the Convention undertakes to co-operate to the fullest possible extent with the Committee of Experts, in accordance with the provisions of the Charter of the United Nations.

"Paragraph 5

"The functions and rules of procedure of the Committee of Experts mentioned in the above Paragraphs 2, 3, and 4 are set out in the Annex, which constitutes an integral part of the Convention.

"Paragraph 6

"The provisions of Paragraph 3 of this section shall not be interpreted as affecting the rights and duties of Parties under the Charter of the United Nations, including bringing to the attention of the Security Council concerns about compliance with this Convention.

"ANNEX

"1. The Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to the Convention by the Party requesting the convening of the Committee. It may be requested by the Depositary to carry out investigations in case of complaints lodged by a Party to the Convention.

"2. The work of the Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in Paragraph 1 of the Annex. In the process of such [fact finding] [investigations] every effort should be made to apply appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development.

"3. The Depositary shall compile and maintain a list of qualified experts whose services may be available for such [missions] [investigations] on the basis of the proposals which had been made to him by Parties to the Convention. The Depository shall appoint members of the Committee of Experts from that list with due regard to ensuring appropriate geographical balance and to the character of the question involved.

"4. The Depositary or his representative shall serve as the Chairman of the Committee.

"5. Each expert may be assisted at meetings by one or more advisers.

"6. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work. Each Party undertakes not to use deliberate concealment measures which impede verification of compliance with the Convention.

"ANNEX II

"Report of Contact Group B

"1. In accordance with the decision taken by the *Ad Hoc* Committee on Radiological Weapons at its 1st meeting on 1 March 1990, Contact Group B was re-established to continue consideration of the issues relevant to the prohibition of attacks against nuclear facilities.

"2. Contact Group B held seven meetings from 15 March to 30 July 1990. In addition, the Co-ordinator held a number of informal consultations with delegations.

"3. According to guidelines set out during the 1st meeting of the *Ad Hoc* Committee, Contact Group B used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the *Ad Hoc* Committee to the Conference on Disarmament in 1989 (CD/946, Annex II, Attachment). The Contact Group reviewed the possible elements relevant to the prohibition of attacks against nuclear facilities contained therein.

"4. The amended Co-ordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

"5. The Co-ordinator's record is not binding upon any delegation and its main purpose is to facilitate future consideration. It is recommended that it be appended to the *Ad Hoc* Committee's report to the Conference on Disarmament, as a basis for future work.

"Attachment

"POSSIBLE ELEMENTS RELEVANT TO THE PROHIBITION OF ATTACKS AGAINST NUCLEAR FACILITIES 1/ 2/

"SCOPE

"Paragraph 1

"First alternative

"Each State Party undertakes never under any circumstances to attack nuclear facilities covered by this Treaty.

"Second alternative

"Each State Party undertakes never under any circumstances to attack or to threaten to attack any nuclear facility.

"1/ This record does not prejudice the eventual positions of delegations relating to the question of 'linkage', or the positions of delegations on the question of the need of having additional legal protection for nuclear facilities. As to the latter, a view was expressed that additional discussion on existing international agreements pertaining to the question is needed.

"2/ One delegation stated that, apart from the fact that the elements listed were controversial, the third alternative under Scope, paragraph 1 of the Definitions and the sections on Criteria and Special Marking were not essential to the elaboration of a convention. The section on Special Marking could have been recast within the section on Register. That was not, however, the case of the other elements mentioned, particularly the section on Criteria, which, in its opinion, seemed incompatible with the rule of *jus cogens* in article 2, paragraph 4, of the Charter of the United Nations.

"Third alternative 3/

"Each State Party undertakes never under any circumstances to release and disseminate radioactive substances by attacking nuclear facilities covered by this Treaty.

"Paragraph 2

"Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to act in contravention of this Treaty.

"DEFINITIONS

"Paragraph 1

"For the purposes of this Treaty, the term 'attack' means any act by a State which is designed to cause or causes, directly or indirectly:

"(i) any damage to, or the destruction of, a nuclear facility; or

"(ii) any interference, interruption, impediment, stoppage or breakdown in the operation of a nuclear facility; or

"(iii) any injury to, or the death of, any of the personnel of a nuclear facility.

"3/ Some delegations stated that the third alternative of Scope based on the criterion of mass destruction read in conjunction with the first alternative of paragraph 2 of Definitions, paragraph 1 of Criteria, the first alternative of paragraph 1, paragraph 2, the first alternative of paragraph 3, and paragraphs 4 to 6 of Register as well as Special Marking in Paragraph 1 under Other Main Elements constitute one complete and consistent set of elements to be included in a draft Treaty.

"Paragraph 2

"First alternative

"For the purpose of this Treaty, the term 'nuclear facilities' means: 1/

"(i) Nuclear reactors;

"(ii) Intermediate spent fuel storages;

"(iii) Reprocessing plants;

"(iv) Waste deposits, including temporary waste storages;

"(v) Installations for production or use of important and intensive sources of gamma radiation; 2/

"which are included in a Register maintained by the Depositary.

"Second alternative

"A nuclear facility means a nuclear reactor or any other facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material.

"1/ A suggestion was made to add two further categories after '(iii) Reprocessing plants;'

"(iv) Nuclear fuel processing plants;

"(v) Uranium enrichment plants.

"2/ A view was expressed that this provision should be further refined.

"CRITERIA

"Paragraph 1

"The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications: 1/

"(i) They shall be stationary on land; 2/ 3/

"(ii) Nuclear reactors; designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;

"(iii) Intermediate spent fuel storages; designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;

"(iv) Reprocessing plants; designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;

"(v) Waste deposits: containing radioactive material exceeding 10^{17} [10^{18}] Bq;

"(vi) Installations for production or use of intensive sources of gamma radiation: designed to contain radioactive material whose gamma-radiation-dissipated power is equal to or greater than 6 x 10^{16} [10^{17}] Bq x Mev.

"Paragraph 2

"Additional specification suggested to the above specifications:

"Nuclear facilities mentioned in paragraph 2 of Definitions which are under the safeguards of the International Atomic Energy Agency are covered by the provision of this Treaty.

"1/ Views were expressed that nuclear facilities mentioned in paragraph 2 of Definitions shall be used for peaceful purposes and subject to IAEA safeguards.

"2/ Views were expressed that nuclear facilities stationed in territorial waters and the exclusive economic zones should also be considered.

"3/ Views were expressed that such nuclear facilities should not belong to weapons systems.

"REGISTER

"Paragraph 1

"First alternative

"The Depositary shall maintain a Register of nuclear facilities covered by this Treaty and shall transmit certified copies thereof to each State Party to the Treaty.

"Second alternative

"The Depositary shall maintain a Register of nuclear facilities covered by this Treaty and shall transmit certified copies thereof to each State Party to the Treaty. The register shall be updated at regular intervals.

"Paragraph 2

"State Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

"(a) Identification of the type of nuclear facility;

"(b) Detailed specifications in accordance with Paragraph 1 of Criteria of this Treaty;

"(c) Details on the exact geographical location of the nuclear facility.

"Paragraph 3 1/

"Upon receipt of a request for an inclusion in the Register, the Depositary shall without delay initiate procedures to confirm that the information contained in the request is correct:

"(a) Through, to the extent possible, documentation from the IAEA; and/or

"(b) Through other means, including a mission to the facility, when necessary.

"For the purpose of carrying out the procedures in paragraph 3 (a) above the Depositary may, as it deems necessary, enter into agreement with the IAEA.

"1/ A view was expressed that this provision calls for further discussion.

"For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the co-operation of States Party to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

"Paragraph 4

"First alternative

"The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section, as well as the information given in the request has been substantiated, and shall immediately notify States Party to the Treaty of aforesaid inclusion.

"Second alternative

"The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section and shall immediately notify States Party to the Treaty of aforesaid inclusion.

"Paragraph 5

"A State Party shall inform the Depositary, within ... days/months, of any change in the information it had provided for inclusion in the Register. Upon the receipt of such a change, the Depositary shall act, mutatis mutandi, in accordance with the procedures outlined in paragraphs 3 and 4 of this section.

"Paragraph 6 1/

"The costs for implementing these procedures shall be borne by the requesting State.

"VERIFICATION AND COMPLIANCE

"Paragraph 1

"First alternative

"A State Party may lodge a complaint with the Depositary in case it believes that any other State Party acted in breach of obligations deriving from this Treaty. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint. This complaint procedure should not exclude others than through the Depositary.

"1/ Views were expressed that this provision calls for further discussion.

"Second alternative

"A State Party may lodge a complaint with the Depositary in case it believes that a nuclear facility on its territory has been attacked or is under threat of attack by any other State Party in breach of obligations deriving from the provisions of the Treaty. Such a complaint shall be accompanied by all possible evidence and other relevant information supporting the validity of the complaint.

"Paragraph 2

"First alternative

"Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation may include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

"Second alternative

"Within ... days of the receipt of a complaint from any State Party concerning an attack on a nuclear facility, the Depositary shall initiate an investigation of the alleged attack, including arrangements for a fact-finding mission on or at the site of the nuclear facility involved to ascertain the facts. The fact-finding mission shall submit the summary of its findings of fact to the Depositary at the earliest possible date.

"Paragraph 3

"For purposes of carrying out a fact-finding mission the Depositary shall maintain a list of qualified experts, selected on as wide a geographical basis as possible, whose services may be available to undertake such missions.

"Paragraph 4

"States Parties undertake to co-operate in carrying out the investigation which the Depositary may initiate on a complaint received from any State Party. The Depositary shall inform the States Parties of the results of the investigation.

"Paragraph 5

"First alternative

"The Depositary shall, upon request of a State Party, convene the Conference of States Parties to consider the report on the investigation as well as possible courses of action.

"*Second alternative*

"The Depositary shall immediately convene the Conference of States Parties to consider the report on the investigation and to adopt such measures as may be appropriate.

"*Paragraph 6*

"*First alternative*

"The continuing application of IAEA safeguards at a nuclear facility will form an essential part of the arrangements to verify that the facility is a peaceful nuclear facility within the meaning of the Treaty. [1] [2]

"*Second alternative*

"The determination that a facility is and remains a peaceful nuclear facility within the meaning of the Treaty shall be made by the application of IAEA safeguards. [1] [2]

"*Third alternative*

"The application of IAEA safeguards to a nuclear facility shall be of no relevance to the verification of compliance with obligations assumed by States Parties to this Treaty.

"OTHER MAIN ELEMENTS

"*Paragraph 1*

"A State Party may mark its nuclear facilities included in the Register with Special Marking.

"*Paragraph 2* [3]

"States Parties undertake to provide or support assistance to any State Party harmed as a result of the violation of the Treaty.

"[1] It was stated that the application of IAEA safeguards was irrelevant to the objectives of this Treaty and that if anyway addressed, the issue belonged under the provisions for inclusion in the Register.

"[2] The view was expressed that the application of IAEA safeguards could not verify that a nuclear facility was a peaceful one but rather that nuclear material remained in peaceful use.

"[3] A view was expressed that the obligation of States Parties to provide assistance was limited to the radiological damage caused by an attack."

"Paragraph 3

"Provisions of this Treaty are without prejudice to the obligations of State Parties undertaken in other international instruments relevant to the subject of this Treaty.

"Paragraph 4

"The Secretary-General shall be designated as Depositary of this Treaty."

125. The Conference continued to consider the question of new types of weapons of mass destruction and new systems of such weapons at its plenary meetings. In addition, the President of the Conference for the month of February, in informal consultations, suggested that it would be advisable to keep the item under review and to deal with it whenever necessary, possibly at informal meetings of the Conference. This procedure met with no objection.

126. The Group of East European and Other States and some members of the Group of 21 maintained their support for the proposal to convene a group of qualified experts with a view to identifying any new types of weapons of mass destruction and making, as appropriate, recommendations on undertaking specific negotiations on the identified types of such weapons. Western delegations maintained their view that as no new types of weapons of mass destruction had been identified since 1948 nor was their existence imminent, the practice followed thus far of making plenary statements and holding informal meetings of the Conference from time to time was the most appropriate one to deal with this question.

H. Comprehensive Programme of Disarmament

127. The item on the agenda entitled "Comprehensive Programme of Disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 9-13 April and 6-10 August 1990.

128. Bearing in mind the conclusions reached by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in its report to the Conference on Disarmament in 1989 to the effect that "it should resume work with a view to resolving the outstanding issues in the near future, when circumstances are more conducive to making progress in this regard" (CD/955, para.7), the Conference continued to consider the question of the Comprehensive Programme of Disarmament at its plenary meetings.

129. The Group of 21 reiterated the great importance it attached to the conclusion of the Comprehensive Programme of Disarmament. It stressed that the Programme was an integral approach to disarmament matters and allowed for the required emphasis to be given to the priorities in disarmament agreed upon, by consensus, during SSOD-I. In its view, the Comprehensive Programme of Disarmament permitted the establishment of the proper links between those priorities. The Group of 21 expressed its belief that the present

improvement in East-West relations provided the appropriate scenario for a renewed effort towards the conclusion of the Comprehensive Programme of Disarmament. Furthermore, the Group considered that the conclusion of the elaboration of the Comprehensive Programme of Disarmament would constitute an important contribution to the success of the Third Disarmament Decade and to the role of the United Nations in the field of disarmament. Accordingly, the Group of 21 proposed, in conformity with General Assembly resolution 44/119A, to re-establish the Ad Hoc Committee on the Comprehensive Programme of Disarmament at the beginning of the 1991 session of the Conference on Disarmament.

130. A nuclear weapon State, not member of any group, reiterated the importance it, too, attached to item 8 on the Conference's agenda. With respect to the conclusions drawn by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in its report of 1989, it stressed that it believed that the current situation was favourable for the resumption of work on the Programme. That State also was of the view that the conclusion of the Programme would contribute to the success of the Third United Nations Disarmament Decade. It also expressed its support for the proposal of the Group of 21, based on General Assembly resolution 44/119A, that the Conference on Disarmament re-establish the Ad Hoc Committee on the Comprehensive Programme of Disarmament at the beginning of its 1991 session.

131. The Group of Western countries, referring to the decision of the Conference contained in its report to the General Assembly in 1989 with respect to the Comprehensive Programme of Disarmament, expressed its belief that the Conference on Disarmament would only have to take action on the possible re-establishment of the Ad Hoc Committee on the Comprehensive Programme of Disarmament at the beginning of the 1991 session in the light of the circumstances prevailing at the moment and taking into account the priorities of the Conference.

132. The Group of East European and other States stressed again the importance it had always attached to the question of the Comprehensive Programme of Disarmament. The Group viewed the Programme as an appropriate approach to general disarmament matters. It believed that the Conference on Disarmament should make an important contribution to the success of the Third Disarmament Decade. Noting the conclusions that had been drawn by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in 1989, the Group expressed the view that the Conference should do some additional work and conduct productive discussions about concrete future activity of the Ad Hoc Committee on the Comprehensive Programme of Disarmament before its re-establishment.

133. It was agreed that the organizational framework to deal with this agenda item, as in the case of other agenda items, shall be considered at the beginning of the 1991 session.

I. Consideration of Other Areas Dealing with the Cessation of the Arms Race and Disarmament and Other Relevant Measures

134. During its 1990 session, the Conference also had before it document CD/979, dated 20 March 1990, submitted by the delegation of Hungary, entitled "Provision of Military Data".

J. Consideration and adoption of the Annual Report of the Conference and any other Report as Appropriate to the General Assembly of the United Nations

135. The item entitled "Consideration and adoption of the Annual report to the forty-fifth session of the General Assembly of the United Nations" was considered by the Conference, in accordance with its programme of work, from 13 to 24 August 1990.

136. The present report, as adopted by the Conference on 24 August 1990, is transmitted by the President on behalf of the Conference on Disarmament.

Gheorghe Chirila
Romania
President of the Conference
